U.S. DEPARTMENT OF COMMERCE
National Technical Information Service

PB-260 650

MANUAL OF REFERENCES (REGULATIONS, GUIDANCE PROCEDURES)

MUNICIPAL WASTEWATER TREATMENT WORKS CONSTRUCTION GRANTS PROGRAM. SUPPLEMENT NO. 1

ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

AUGUST 1976

PB 260 650

SUPPLEMENT
NO. 1
AUGUST 1976

Municipal Wastewater Treatment Works Construction Grants Program

References

Regulations ·Guidance ·Procedures

CLEAN
WATER

REPRODUCED BY
NATIONAL TECHNICAL
INFORMATION SERVICE
U. S. DEPARTMENT OF COMMERCE
SPRINGFIELD, VA. 22161

MCD-02.1

United States Environmental Protection Agency
Washington, D.C. 20460

BIBLIOGRAPHIC DATA SHEET

1. Report No. MCD-02.1

2.

3. Recipient's Accession No.

4. Title and Subtitle
Manual of References (Regulations, Guidance, Procedures) - Municipal Wastewater Treatment Works Construction Grants Program, Supplement No. 1, August 1976

5. Report Date August 1976

6.

7. Author(s)

8. Performing Organization Rept. No.

9. Performing Organization Name and Address
U.S. Enviornmental Protection Agency
Washington, D.C. 20460

10. Project/Task/Work Unit No.

11. Contract/Grant No.

12. Sponsoring Organization Name and Address
United States Environmental Protection Agency
Municipal Construction Division (WH-547)
401 M St, SW
Washington, D.C. 20460

13. Type of Report & Period Covered

14.

15. Supplementary Notes

16. Abstracts

This handbook contains the replacement pages and policy directives issued after the Manual of References, MCD-02, was published.

17. Key Words and Document Analysis. 17a. Descriptors

Manual of References updating
Municipal Wastewater Treatment

17b. Identifiers/Open-Ended Terms

17c. COSATI Field/Group

i

18. Availability Statement

19. Security Class (This Report) UNCLASSIFIED

20. Security Class (This Page) UNCLASSIFIED

21. No. of Pages 198

22. Price $7.50- 3.00

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF WATER PROGRAM OPERATIONS
WASHINGTON, D.C. 20460

NOTICE TO ALL HOLDERS OF THE USEPA MUNICIPAL WASTEWATER TREATMENT WORKS CONSTRUCTION GRANTS PROGRAM MANUAL OF REFERENCES (MCD-02)

In July 1976, the United States Environmental Protection Agency instituted a revised system for issuing policy and instructions relating to the Construction Grants Program for Municipal Wastewater Treatment Works. It is therefore necessary to make certain minor revisions to the material currently in the Manual of References (MCD-02) in order to assure compatibility with the new system.

Attached you will find replacement pages and policy directives issued after the Manual of References was published. More particularly, included are 1) a revised introduction for Section II of the Manual of References which briefly summarized the new system 2) a revised Table of Contents for Section I of the Manual of References which, you will note, lists the revised designations for policy issuances; 3) replacement pages for the front pages of existing issuances; and 4) policy directives issued subsequent to the publication of the Manual of References.

For a more complete understanding of the revised issuance system, please read PRMs 76-1 and 76-2 which are enclosed.

Please insert, under Section II of your Manual of References (MCD-02), in the appropriate places, the new material enclosed and remove from your Manual of References the pages which were replaced.

MANUAL OF REFERENCES

Municipal Wastewater Treatment Works Construction Grants Program*

II. PROGRAM DIRECTIVES

To assure national uniformity in program implementation and to provide policy direction in integrating the various complex requirements of the Federal water pollution control program, EPA headquarters periodically issues policy and operational guidance documents to the Regional Offices and others involved in the grants program. Prior to July, 1976, such documents were issued as Program Guidance Memoranda (PG's) and dealt with policy matters, operating guidance, as well as requests for specific information or reports.

Commencing in July, 1976, a new system of guidance issuances was instituted. The system was designed to establish a clear differentiation between policy and operational issuances. The new system was also developed, in part, to complement the Construction Grants Handbook of Procedures (February, 1976) by allowing certain guidance issuances to be readily integrated into that Handbook.

Briefly, there are three types of guidance issuances under the new system:

1. Program Requirements Memoranda (PRM's), which convey basic program policy to which adherance is mandatory for those to whom it is directed.

2. Transmittal Memoranda (TM's), which dictate specific changes to the Grants Handbook. Two types will be issued:

    a. Those which establish policy or give procedural guidance by means of simply directing changes in the Construction Grants Handbook of Procedures.

    b. Those which direct changes in the Handbook growing out of the issuance of PRM's. (NOTE: TM's of this nature, since they essentially duplicate the information contained in PRMs, will not be incorporated in this Manual.)

3. Program Operation Memoranda (POM's), which are used solely to request information, inform of ceilings and/or quotas, etc., and are generally "housekeeping" in nature and are not appropriate for inclusion in this Manual.

Each of the three types of memorandums will be annually (fiscal year) and sequentially numbered. The first two PRMs, issued in July, 1976, were designated PRM 76-1 and PRM 76-2.

---

*Under the Federal Water Pollution Control Act Amendments of 1972 (PL 92-500).

PG's (issuances under the old system) which are still applicable to the program have been retained in this Manual. The identifying designations (i.e.; PG-3) have been altered to conform with the new system. All PG's thus affected bear the new designation PRM 75 (serially numbered) and retain, as well, the old PG designation for purposes of future reference. (See the Table of Contents for this Section.)

All holders of this Manual of References will receive copies of pertinent PRM's and TM's.

MANUAL OF REFERENCES

Municipal Wastewater Treatment Works Construction Grants Program

II. PROGRAM DIRECTIVES

Table of Contents

Memoranda		Former Designation
PRM 75-1	Use of Revenue Sharing Funds for Waste Treatment Projects	PG-3
PRM 75-2	Experience Clauses for Equipment Suppliers	PG-14
PRM 75-3	Waste Stabilization	PG-16
PRM 75-4	Standardized Construction Contract	PG-17A
PRM 75-6	Non-Restrictive Specifications	PG-19A
PRM 75-6	Adequacy of Treatment Certification	PG-20
PRM 75-7	Sewer System Evaluation and Rehabilitation	PG-24
PRM 75-8	Flood Disaster Protection Act of 1973 -- Public Law 92-234	PG-25
PRM 75-9	Supplement to PG No. 25; Flood Disaster Protection Act of 1973 (PL 93-234)	PG-25A
PRM 75-10	User Charges and Industrial Cost Recovery System (ICR Portion Only. U/C Portion Superseded by PG-37)	PG-28
PRM 75-11	Approval of Reimbursement Projects Not Previously Serviced by EPA	PG-30
PRM 75-12	Obligation, Recovery and Reallotment of Contract Authority Funds	PG-31
PRM 75-13	Management of Construction Grants Funds	PG-32
PRM 75-14	Grant Funds and Project Segmenting	PG-33
PRM 75-15	Class Deviation -- Use of Force Account Work on Construction Grant Projects	PG-34
PRM 75-16	Title II Regulations, Section 35.915(i) Reserve for Step 1 and Step 2 Projects	PG-35
PRM 75-17	Construction of Pretreatment or Treatment Facilities for Municipal Utilities	PG-36

Memoranda		Former Designation
PRM 75-18	Eligibility of Wastewater Treatment Facilities at Municipally Owned Water Treatment Works for Construction Grants	PG-36A
PRM 75-19	User Charges and Industrial Cost Recovery System	PG-37
PRM 75-20	User Charge System	PG-38
PRM 75-21	Overruns, Reserves and Priority Lists	PG-41
PRM 75-22	Policy Re Retention Payments	PG-43
PRM 75-23	Escalation Clauses in Construction Grant Projects	PG-44
PRM 75-24	Large City Problem in State Priority List	PG-46
PRM 75-25	Eligibility of Land Acquisition Costs for Land Treatment Processes Under Title II of the Federal Water Pollution Control Act, as Amended	PG-49
PRM 75-26	Consideration of Secondary Environmental Effects in the Construction Grants Process	PG-50
PRM 75-27	Field Surveys to Identify Cultural Resources	PG-52
PRM 75-28	Flood Insurance Requirements Effective 7/1/75	PG-54
PRM 75-29	EPA Procedures in Initiating Debarment Actions Against Grantee Contractors	PG-56
PRM 75-30	Cost Control	PG-57
PRM 75-31	Facilitating EIS Preparation with Joint EIS/Assessments (Piggybacking)	PG-58
PRM 75-32	Compliance with Title VI in the Construction Grants Program	PG-59
PRM 75-33	Discount Rate	PG-60
PRM 75-34	Grants for Treatment and Control of Combined Sewer Overflows and Stormwater Discharges	PG-61
PRM 75-35	Allowable Costs for Construction of Treatment Works that Jointly Serve Municipalities and Federal Facilities	PG-62

Memoranda		Former Designation
PRM 75-36	Value Engineering in the EPA Construction Grants Program	PG-63
PRM 75-37	User Charge System: Plan and Schedule	PG-65
PRM 75-38	Relationship Between 201 Facility Planning and Water Quality Management (WQM) Planning	PG-66
PRM 75-39	Eligibility of Land Acquisition Costs for the Ultimate Disposal of Residues from Wastewater Treatment Processes	PG-67
PRM 75-40	Priority List Supplement to FY 1977 Construction Grants Guidance	PG-68
PRM 76-1	Construction Grants Program Issuances	
PRM 76-2	Cancellation of Certain Program Guidance Memoranda (PGM)	

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 26 1976

OFFICE OF WATER AND
HAZARDOUS MATERIALS

CONSTRUCTION GRANTS
PROGRAM REQUIREMENTS MEMORANDUM
PRM No. 76-1

Subject: Construction Grants Program Issuances

From: John T. Rhett, National Program Manager for Construction Grants (WH546) John T Rhett

To: Regional Administrators (I thru X)
ATTN: Water Division Directors

PURPOSE: The purpose of this memorandum is to set forth requirements for policy issuances pertaining to the conduct of the construction grants program and to explain the relationships among the various publications.

DISCUSSION: Over the years, policy documents (PGMs, CGs) have been issued in response to a particular problem arising in conjunction with the conduct of the construction grant program. When grant regulations, or existing PGMs and CGs pertaining to that problem, were lacking in specificity or nonexistent, a new PGM was issued. Although the PGM system served adequately as a means for providing basic communication between Headquarter's program managers and Regional Offices, it was marked by two major shortcomings.

1. The primary means for insuring that newly issued policy conformed to the program as a whole was to relate it to the Title II regulations or to previous issuances on the same subject. However, it was difficult to assess the impact of the new policy on the total program because a single document integrating total program policy did not exist. This problem has been addressed with the issuance of the Handbook of Procedures, which sets forth, in operational terms, construction grant program policy as of February 1976.

2. PGMs were used to provide many kinds of directives pertaining to the construction grants program. In general, their contents can be categorized into three groups:

a. Policy - new or variation of existing.

b. Procedures for administering policy.

c. Reporting, or establishing ceiling/quotas, or directing document processing (e.g., reimbursement).

Since PGMs contained such a varied mix of directions, their relative importance to the recipient was often not clear.

The program issuance system described in this memorandum is designed to address the above shortcomings.

IMPLEMENTING PROCEDURE:

1. Memorandums:

Under the revised system there will be three types of memorandums.

a. Construction Grants Program Requirements Memoranda (PRMs)

PRMs will be used to convey program policy, the specific provisions of which will not be available in existing regulations or in other EPA policy documents. The title "Program Requirements Memoranda" will be reserved solely for the purpose of transmitting construction grant program policy. PRMs will be signed by the National Program Manager and adherence to their provisions will be binding on those to whom it is directed.

b. Transmittal Memoranda (TMs)

TMs will be used to transmit changes to the Handbook of Procedures. Each TM will contain instructions regarding its purpose and implementation and for inserting accompanying Handbook replacement pages.

Two types of TMs will be issued.

A TM will be issued when the policy or procedure to be promulgated can be effectively transmitted by merely altering a section or sections of the Handbook.

A TM will also be issued when the policy or procedure to be disseminated cannot or should not (because of its substance or detail) be readily or fully integrated into the Handbook and, therfore, must be issued as a separate PRM. Following the issuance of the PRM, the substance of that PRM will be integrated into the Handbook (by reference and changes) and the revised pages will be distributed with a covering TM.

c. Construction Grants Program Operation Memoranda (POMs)

POMs will be used as directives which will set forth periodic reporting requirements, ceilings or quotas, or will relate to other program actions and, will lose their applicability within limited time frames; or, will be primarily "housekeeping" in nature.

PRMs, TMs and POMs will be issued in standard formats (see attached) and will have number identifications with annual and serial parts - e.g., 77-3 (the third issuance in FY-1977).

2. Other Program Publications:

As with memoranda, the form, format and title of publications prepared by the Municipal Construction Division to provide in-depth assistance to the Region, States and grantees on the technical and administrative aspects of the program, have varied in accordance with their sponsors and writers.

Generally these publications were prepared primarily for one of the following purposes:

a. to generally inform on a program matter.

b. to provide instructions on how to perform a function or fulfill a program requirement.

c. to set forth detailed program requirements to which conformance is expected.

So that intended readers will be better able to understand the purpose and use of such publications, specific terms will be used in the titles to distinguish one type from another.

Accordingly, for items "a" and "b" above, the term "Construction Grant Program Information" will be used; for "c" "Construction Grant Program Requirements".

A list of previous publications, categorized as "information" or "requirements", is attached.

3. How The System Will Work:

Central to the system will be the Handbook of Procedures. Using the Handbook as a base document, it is now possible to relate a proposed policy or procedural issuance to a total program standard rather than to a particular functional standard. Since the need to promulgate new policy or require new procedures would arise because of the absence of such in the Handbook, future issuances will require updating the Handbook.

As indicated above, policy and procedural requirements, which can be effectively disseminated by altering the Handbook, will be issued via the TMs. In addition, when a new PRM is issued, the essence of the proposed policy will be integrated into the Handbook, and citations, referring the reader to the PRM, will be inserted where appropriate. Handbook pages containing the changes and citations will be transmitted by TM shortly after the issuance of the PRM.

Regional Offices will be issued, in a timely manner, a small supply of TMs for internal use and distribution to the States. Quarterly, or more frequently when the need arises, Handbook replacement pages will be reproduced and distributed through the GSA Denver Office, to all identified holders of the Handbook. Similarly, copies of PRMs and appropriate laws, regulations and guidance documents will be reproduced and distributed, through Denver, to holders of the Manual of References ("blue book").

Prior to issuing PRMs, TMs and POMs, existing PGMs, which are found to be outdated, superseded or made useless with the publication of the Handbook, will be cancelled. Those remaining will be reissued as Program Requirements Memoranda so that their purpose will be clear and the PRM series will be made whole.

The Handbook would not be complete if it only addressed program policy originating within the Municipal Construction Division. Therefore, it will be necessary to insure that out-of-Division directives affecting the program are fully reviewed by the Division before they are disseminated. To accomplish this, copies of all policy issuances impacting the construction grants program shall be sent, in draft form, to the National Program Manager. Upon receipt, the draft will undergo internal reviews to determine a program position (concur, reject, modify).

If that proposed directive relates solely to the construction grants program, upon concurrence, it will be issued jointly by the National Program Manager and the originating office. If it is primarily a policy issuance, a PRM Number will be assigned and, concurrently, the Handbook will be altered as previously described.

If the directive relates to other programs as well as construction grants, the National Program Manager will communicate his position to the originating office. Upon issuance by that office, a PRM may be prepared and the Handbook altered to reflect the substance of the issuance.

As in the past, policy documents originating in the Municipal Construction Division will unlergo outside reviews before they are issued. As appropriate, views will be obtained from the Office of General Counsel, the Office of Resources Management, etc., from TAG and public interest groups, and from the Regions.

In carrying out the above, it is important to bear in mind that the usefulness of the Handbook does not lie in its completeness -- but rather in its simplicity and conciseness. The Handbook is not intended as a compendium of all policy related to the Construction Grants program. Rather, its purpose is to convey basic operational policy. Therefore, in screening proposed policy for inclusion in the Handbook, it will be as important to ensure that its pages are not overly encumbered as it will be to insure that important policy, in operational terms, is not overlooked.

To summarize the essence of the new issuance system, the attached chart is provided.

Construction Grants Program Issuances

Purpose	Title
Standing Policy, Adherence to which is Mandatory in Conducting the Construction Grants Program	"Construction Grants Program Requirements Memorandum"
	"Construction Grants Program Requirements Publication"
	"Construction Grants Handbook of Procedures"
	"Transmittal Memorandum"
Directives Limited to the Operation of the Construction Grants Program at Regional Office	"Construction Grants Program Operating Memorandum"[1]
Information and Guidance	"Construction Grants Program Operating Memorandum"[1]
	"Construction Grants Program Information Publication"

---

[1] Dual purpose.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF WATER AND
HAZARDOUS MATERIALS

CONSTRUCTION GRANTS
PROGRAM REQUIREMENTS MEMORANDUM
PRM #76-

SUBJECT:

FROM: National Program Manager for Construction Grants

TO: Regional Administrators
ATTN: Water Division Directors

PURPOSE: (Indicate, in succinct terms, the specific purpose of the memorandum)

DISCUSSION: (Background of how problem arose, how handled, relevance of existing policy, why new issuance needed, short and long range objectives to be met by PRM)

POLICY: (Statement of new or revised policy)

IMPLEMENTATION: (As appropriate, indicate criteria for eligibility; procedures or interpretations to be followed. State action Regions (States) to take including how and when. As applicable, indicate under what circumstances exceptions to be made, etc.)

REFERENCES: (Laws, Regulations, other PRM's, other EPA policy documents)

7<

TRANSMITTAL MEMORANDUM:
TM No. 76-

SUBJECT:

FROM: National Program Manager for Construction Grants

TO: Regional Administrators
ATTN: Water Program Directors

PURPOSE:

DISCUSSION:

HANDBOOK REVISIONS:

FILING INSTRUCTIONS:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF WATER AND
HAZARDOUS MATERIALS

CONSTRUCTION GRANTS
PROGRAM OPERATIONS MEMORANDUM
POM #76-

SUBJECT:

FROM: National Program Manager for Construction Grants

TO: Regional Administrators
ATTN: Water Division Director

PURPOSE: (Indicate, in succinct terms, the specific purpose of the memorandum)

DISCUSSION: (Background or general explanation of need for issuance including short and long range objectives to be met)

IMPLEMENTATION: (Specify action to be taken including how and when)

REFERENCES: (As applicable)

CONSTRUCTION GRANT PROGRAM PUBLICATIONS

"Construction Grants Program Requirements Publications"

"Handbook of Procedures - Construction Grants Program for Municipal Wastewater Treatment Works", February 1976, (MCD-03)

"Alternative Waste Management Techniques for Best Practicable Waste Treatment", EPA-430/9-75-013, October 1975 (MCD-13)

"Federal Guidelines, Industrial Cost Recovery Systems", February 1976 (MCD-45)

"Guidance for Preparing a Facility Plan" (NOTE: This is contained in publication (MCD-02) Revised, May 1975, (MCD-46)

"Sewer System Evaluation", Guidance, March 1974

"Design, Operation and Maintenance of Waste Water Treatment Facilities", Guidelines, September 1970

"Design Criteria for Mechanical, Electric, and Fluid System and Component Reliability", Supplement to Design Guidelines, 1974

"Wastewater Treatment Ponds", Supplement to Design Guidelines, March 1974

"Protection of Shellfish Waters", July 1974

"Construction Grants Program Information Publications"

"Manual of References (Regulations, Guidance, Procedures) - Municipal Wastewater Treatment Works Construction Grants Program", August 1975, (MCD-02)

"How to Obtain Federal Grants to Build Municipal Wastewater Treatment Works", Approximate Pub. Date - June 1976, (MCD-04)

Technical Bulletin: "Evaluation of Land Application Systems", EPA/9-75-001, March 1975 (MCD-07)

"Model Facility Plan for a Small Community Supplement to: Guidance for Preparing a Facility Plan", September 1975, (MCD-08)

Technical Report: "Costs of Wastewater Treatment by Land Application", EPA-430/9-75-003, June 1975, (MCD-10)

Technical Report: "A Guide to the Selection of Cost-Effective Wastewater Treatment", EPA-430/9-75-002, July 1975, (MCD-11)

Technical Report: "Wastewater Sludge Utilization", EPA-430/9-75-015, September 1975, (MCD-12)

Technical Report, "Review of Land Spreading of Liquid Municipal Sewage Sludge", EPA-670/2-75-001, (MCD-15)

Technical Report, "Land Application of Wastewater in Australia", May 1976, EPA-430/9-75-017, (MCD-16)

Technical Report, "Cost Effective Comparison of Land Application and Advanced Wastewater Treatment", EPA-430/9-75-016, (MCD-17)

"Procedural Handbook for Value Engineering", December 1975, EPA-430/975-020, (MCD-18)

Technical Report, "Handbook for Sewer System Evaluation & Rehabilitation, Technical Report", December 1975, EPA-430/9-75-021, (MCD-19)

Technical Report, "Direct Environmental Factors at Municipal Wastewater Treatment Works", EPA-430/9-76-003, January 1976, (MCD-20)

"Disinfection of Wastewater Task Force Report", July 1975, (MCD-21)

Technical Report, "An Analysis of Construction Cost Experience for Wastewater Plants", EPA-430/9-76-002, February 1976, (MCD-22)

"Construction Inspection Guide, Three Volumes", July 1976, (MCD-23)

"Model Plan of Study, Supplement To: Guidance for Preparing a Facility Plan", EPA-430/9-76-004, March 1976, (MCD-24)

"Feasibility of Overland Flow for Treatment of Raw Domestic Wastewater", EPA-660/2-74-087, December 1974, (MCD-25)

"Audit Guide for Construction Grant Program", February 1976, (MCD-26)

"The Federal Wastewater Treatment Facilities Construction Grant Process from A(bilene) to Z(anesville)" (MCD-47)

"Building for Clean Water" (MCD-48)

Supplements to Guidelines: Design, Operation and Maintenance of Wastewater Treatment Facilities - October 15, 1971

- Storage & Handling Facilities for Chemicals Utilized in Wastewater Treatment
- Use of Mercury in Wastewater Treatment Plant Equipment
- Use of New & Advanced Wastewater Treatment Technology

"Pretreatment of Pollutants Introduced into Publicly Owned Treatment Works", Guidelines, October 1973

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 26 1976

OFFICE OF WATER AND
HAZARDOUS MATERIALS

PROGRAM REQUIREMENTS MEMORANDUM
PRM #76-2

SUBJECT: Cancellation of Certain Program Guidance Memoranda (PGM)

FROM: John T. Rhett, Deputy Assistant Administrator for Water Program Operations (WH-546) John T Rhett

TO: Regional Administrators (I thru X)
ATTN: Water Division Directors

PURPOSE: The purpose of this memorandum is to formally cancel certain PGMs, the policies of which have been, with the passage of time, superseded, outdated, or included in the Construction Grants Handbook of Procedures thus obviating their need.

The PGM's which are cancelled are listed in the last paragraph of this memorandum. A listing of those remaining in effect, along with their new designations, is attached.

DISCUSSION: As noted in PRM 76-1, this office has embarked on a program designed to unify and consistently maintain Construction Grant Program policy. The program, which is gradually being implemented, will consolidate current policy, insure continuity in the issuance of new policy and provide for the orderly removal of policy documents which have been superseded or otherwise rendered inapplicable. The first step in this program was the issuance of the Construction Grants Program Reference Manual. The second, and most important step, was the development and issuance of the Construction Grant Handbook of Procedures -- the cornerstone upon which future program policy will be built. The third was PRM 76-1 which established the overall system for communicating construction grant program policy and information to the Regions.

This memorandum is a fourth step.

As you will note, some of the cancelled PGM's are referenced in the Handbook. This office will shortly issue the first Transmittal

Memorandum (TM), as provided for in the Handbook, which will reflect these cancellations as well as the essence of PGMs issued subsequent to the printing of the Handbook.

IMPLEMENTING PROCEDURE: The following Program Guidance Memoranda are hereby cancelled:

1. PG-1, Grants for the Construction of Wastewater Treatment Works (5-16-73)

2. PG-2, Outline: Municipal Permit Activity of NPDES: Status and Objectives

3. PG-4, Great Lakes Area Treatment Works Projects (6-22-73)

4. PG-5, Grants for the Construction of Wastewater Treatment Works (5-31-73)

5. PG-6, Acceleration of Permit Program (6-25-73)

6. PG-7, EPA Strategy for an Operation and Maintenance Program for Municipal Wastewater Treatment Facilities (6-27-73)

7. PG-8, Utilization of Contract Grant Authority Under Title II of PL 92-500 to Increase Grants Awarded Under Section 8 of the Former Federal Water Pollution Control Act (7-17-73)

8. PG-9, Revised Policies and Procedures for Grants (7-20-73)

9. PG-10, Class Deviation from Regulation 40 CFR 35.925-8

10. PG-11, Wastewater Treatment Works Construction Grants Extended Administrative Processing Period (6-12-73)

11. PG-12, Obligation Goals for Wastewater Treatment Works Construction Grants (6-11-73)

12. PG-13, Supplemental Funding, Grant Percentage, Section 202A (6-11-73)

13. PG-15, Flood Hazard Evaluation Guidelines (9-11-73)

14. PG-17, Standardized Construction Contract Documents (5-17-73) (Superseded by PG-17A, 4-15-75)

15. PG-18, Reimbursement (10-30-73)

16. PG-19, Non-Restrictive Specifications (11-2-73) (Superseded by PG-19A, 8-8-75)

17. PG-21, Delegation of Construction Grant Responsibilities to the States - Regional Commitments (11-27-73)

18. PG-22, Reimbursement (12-21-73)

19. PG-23, Construction Grants Obligations Goals and Outlay Allowances (1-9-74)

20. PG-26, Sewer System Evaluation (3-15-74)

21. PG-27 and 27-A, Best Practicable Waste Treatment Technology (3-26-74) and (4-10-75). (Superseded by publication, MCD-13, Alternative Waste Management Techniques for Best Practicable Waste Treatment - October, 1975)

22. PG-29, Construction Grants Obligation Goals and Outlay Allowances (4-8-74)

23. PG's 39, 39A, 39B, 39C, and 39D; Construction Grants Program Management System (7-31-74 through 1-5-76) (Memoranda requesting specific submissions whose purpose has been served).

24. PG's 40, 40A, 40B, 40C, and 40D; Obligations and Payments for Construction Grant Reimbursement Projects (9-24-74 through 2-28-75)

25. PG-42, Engineering Services for Wastewater Treatment Facilities, Revision of Fee Structures (10-23-74) (Superseded by the 12-17-75 Procurement Regulations): 35.936, .973, .938, .939, .965, and Appendices C & D).

26. PG-45, Use of Value Engineering in the EPA Construction Grant Program (12-11-74) (Superseded by PG-63)

27. PG-47, Relationship Between 201 and 208 Planning (3-11-74) (Superseded by PG-66)

28. PG-48, Construction Grants Obligation Quotas (4-23-75)

29. PG-51, Questionnaire for Review of Facility Plans (6-25-75) (The Facility Plan review procedures in the Handbook obviates the need for this PG)

30. PG-53, Interim Guidance - Consulting Engineering Agreements - Title II Construction Grants Program (7-8-75) (Publication of the 12-17-75 Procurement Regulations (35.936, .937, .938, .965, and Appendices C & D) replaces this PG)

31. PG-55, WWT Construction Grant Cost Projections (5-5-75) (The Handbook contains material which obviates the need for this PG)

32. PG-64, Allowability/Eligibility of Miscellaneous Costs, (2-5-76) (The information in this PG was included in the Handbook).

Below is a list of Program Guidance Memorandums which will remain in effect. So that their status vis-a-vis the new Construction Grants Program Issuance System may be better understood, they are also being assigned Program Requirements Memorandum (PRM) designations. Each PGM which is carried forward into the new system as a PRM will bear the prefix number 75.

Former Designation		New Designation
PG-3	Use of Revenue Sharing Funds for Waste Treatment Projects	PRM No. 75-1
PG-14	Experience Clauses for Equipment Suppliers	PRM No. 75-2
PG-16	Waste Stabilization	PRM No. 75-3
PG-17A	Standardized Construction Contract	PRM No. 75-4
PG-19A	Non-Restrictive Specifications	PRM No. 75-5
PG-20	Adequacy of Treatment Certification	PRM No. 75-6
PG-24	Sewer System Evaluation and Rehabilitation	PRM No. 75-7
PG-25	Flood Disaster Protection Act of 1973--Public Law 93-234	PRM No. 75-8
PG-25A	Supplement to PG No. 25; Flood Disaster Protection Act of 1973 (PL 93-234)	PRM No. 75-9
PG-28	User Charges and Industrial Cost Recovery System (ICR portion only. U/C portion superseded by PG-37)	PRM No. 75-10
PG-30	Approval of Reimbursement Projects Not Previously Serviced by EPA	PRM No. 75-11
PG-31	Obligation, Recovery and Reallotment of Contract Authority Funds	PRM No. 75-12
PG-32	Management of Construction Grants Funds	PRM No. 75-13
PG-33	Grant Funds and Project Segmenting	PRM No. 75-14
PG-34	Class Deviation--Use of Force Account Work on Construction Grant Projects	PRM No. 75-15
PG-35	Title II Regulations, Section 35.915(i) Reserve for Step 1 and Step 2 Projects	PRM No. 75-16
PG-36	Construction of Pretreatment or Treatment Facilities for Municipal Utilities	PRM No. 75-17

Former Designation		New Designation
PG-36A	Eligibility of Wastewater Treatment Facilities at Municipally Owned Water Treatment Works for Construction Grants	PRM No. 75-18
PG-37	User Charges and Industrial Cost Recovery System	PRM No. 75-19
PG-38	User Charge System	PRM No. 75-20
PG-41	Overruns, Reserves and Priority Lists	PRM No. 75-21
PG-43	Policy Re Retention Payments	PRM No. 75-22
PG-44	Escalation Clauses in Construction Grant Projects	PRM No. 75-23
PG-46	Large City Problem in State Priority List	PRM No. 75-24
PG-49	Eligibility of Land Acquisition Costs for Land Treatment Processes Under Title II of the Federal Water Pollution Control Act, as Amended	PRM No. 75-25
PG-50	Consideration of Secondary Environmental Effects in the Construction Grants Process	PRM No. 75-26
PG-52	Field Surveys to Identify Cultural Resources Affected by EPA Construction Grants Projects	PRM No. 75-27
PG-54	Flood Insurance Requirements Effective 7/1/75	PRM No. 75-28
PG-56	EPA Procedures in Initiating Debarment Actions Against Grantee Contractors	PRM No. 75-29
PG-57	Cost Control	PRM No. 75-30
PG-58	Facilitating EIS Preparation with Joint EIS/Assessments (Piggybacking)	PRM No. 75-31
PG-59	Compliance with Title VI in the Construction Grants Program	PRM No. 75-32
PG-60	Discount Rate	PRM No. 75-33
PG-61	Grants for Treatment and Control of Combined Sewer Overflows and Stormwater Discharges	PRM No. 75-34

Former Designation		New Designation
PG-62	Allowable Costs for Construction of Treatment Works that Jointly Serve Municipalities and Federal Facilities	PRM No. 75-35
PG-63	Value Engineering in the EPA Construction Grants Program	PRM No. 75-36
PG-65	User Charge System: Plan and Schedule	PRM No. 75-37
PG-66	Relationship Between 201 Facility Planning and Water Quality Management (WQM) Planning	PRM No. 75-38
PG-67	Eligibility of Land Acquisition Costs for the Ultimate Disposal of Residues from Wastewater Treatment Processes	PRM No. 75-39
PG-68	Priority List Supplement to FY 1977 Construction Grants Guidance	PRM No. 75-40

PROGRAM REQUIREMENTS MEMORANDUM PRM 75-1
Program Guidance Memorandum
PG-3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

June 25, 1973

OFFICE OF ENFORCEMENT
AND GENERAL COUNSEL

MEMORANDUM

SUBJECT: Use of Revenue Sharing Funds for Waste Treatment Projects

FROM: Assistant General Counsel Grants

TO: Director, Grants Administration Division
Director, Municipal Waste Water Systems Division

Questions have arisen concerning the extent to which revenue sharing funds obtained by communities or states under the State and Local Fiscal Assistance Act of 1972 (PL 92-512) may be utilized for projects funded by EPA.

Generally, revenue sharing funds may not be used as matching funds under EPA grants, as is made clear in regulations issued on April 10, 1973 by the Department of Treasury (31 CFR Part 51, published at 38 F.R. 9132):

> § 51.30 Matching funds.
>
> "(a) In general. --Entitlement funds may not be used, directly or indirectly, as a contribution in order to obtain any Federal funds under any Federal program. The indirect use of entitlement funds to match Federal funds is defined to mean the allocation of entitlement funds to a nonmatching expenditure and thereby releasing or displacing local funds which are used for the purpose of matching Federal funds. This prohibition on use of entitlement funds as matching funds applies to Federal programs where Federal funds are required to be matched by non-Federal funds and to Federal programs which allow matching from either Federal or non-Federal funds."

However, revenue sharing funds may be used to "supplement" Federal Grant funds, as further set forth in §51.30(g) of the Treasury regulations:

> "(g) Use of entitlement funds to supplement Federal grant funds. The prohibition on use of entitlement funds contained in paragraph (a) of this section does not prevent the use of entitlement funds to supplement other Federal grant funds. For example, if expenditures for a project exceed the amount available from non-Federal funds plus matched Federal funds, the recipient government may use entitlement funds to defray the excess costs:
> Provided, however, That the entitlement funds are not used to match other Federal funds: And Provided further, That in the case of a unit of local government, the use of entitlement funds to supplement Federal grants is restricted to the category of expenditures as set forth in § 51.31."

Accordingly, since "environmental protection (including sewage disposal, sanitation, and pollution abatement)" is an explicitly authorized expenditure in §51.31 of the Treasury requlations, cost overruns or sewer line or land acquisition costs not included within the scope of an EPA grant as allowable costs may be funded through any revenue sharing funds available to the EPA grantee.

In a memorandum to the Director, Grants Administration Division, dated August 21, 1972 concerning the use of other federal grant funds to meet EPA matching requirements. Mr. Settle of this office set forth the general rule that

> "Funds granted by other Federal agencies for projects may not, absent explicit statutory authorization, be used to meet EPA statutory grant 'matching' reguirements for those same projects."

His memorandum discusses a number of other Federal statutes which do permit at least limited use of Federal funds for matching purposes. Federal revenue sharing funds available under PL 92-512 fall within the "general rule" and cannot be used to match EPA grant funds.

Enforcement of this prohibition upon the use of Federal revenue sharing funds is a function of the Department of Treasury, which should be notified of any apparant violation.

signed

Joseph M. Zorc

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

SUBJECT: Experience Clauses for Equipment Suppliers

DATE: July 11, 1973

PROGRAM REQUIREMENTS MEMORANDUM PRM 75-2
Program Guidance Memorandum
PG-14

FROM: Harold P. Cahill, Jr., Director **signed**
Municipal Waste Water Systems Division

TO: All Regional Administrators
Attn: Air and Water Programs Divisions

We have recently received a letter from a firm that cites restrictive experience clauses in several projects (copy attached). The specific instances cited are being looked into by the Regions concerned.

Restrictive experience clauses in bid specifications are not allowable because they prevent the entrance of new firms and innovations into the bidding process. They also are contrary to the spirit, if not the letter, of the law, especially Section 204(a)(6) of the FWPCA Amendments of 1972, and Section 35.935-1 of the Title II regulations.

In view of these factors, it needs to be re-emphasized that the policy on restrictive experience clauses still applies as expressed in CG Memorandum No. 71-8, dated March 15, 1971, entitled "Experience Clauses for Equipment Suppliers." That memorandum discourages the general use of experience clauses, but where they are used, the specifications must indicate that equipment that does not meet the specified experience period can be considered if the equipment supplier or manufacturer is willing to provide a bond or cash deposit which will guarantee replacement in the event of failure.

Since State review of plans and specifications should include attention to any experience clauses, we request that you inform each State agency in your Region of the non-allowance of restrictive experience clauses.

Attachment

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460
OFFICE OF WATER PROGRAM OPERATIONS

PROGRAM REQUIREMENTS MEMORANDUM PRM 75
PROGRAM GUIDANCE NO. PG-16
DATE: 9/11/73

TO: All Regional Administrators
Attention: Director, Air & Water Programs Division

FROM: Harold P. Cahill, Jr. H P Cahill Jr
Director, Municipal Waste Water Systems Division

SUBJECT: Waste Stabilization Ponds

Introduction:

The information on secondary treatment (40 CFR 133) has focused attention on the limitations of some wastewater treatment processes which, in the past, were defined as "secondary". In particular, there have been reports that many waste stabilization ponds may not meet the secondary treatment requirements. The purpose of this memorandum is to establish policies relating to waste stabilization ponds.

Policy:

Waste stabilization ponds must achieve effluent limitation requirements. As a minimum, they must meet effluent limitations based on the secondary treatment performance requirements contained in 40 CFR Part 133, or be upgraded to meet such requirements.

Applicability:

This memorandum is applicable to municipal wastewater stabilization ponds where the design is based on photosynthetic oxygenation.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

SUBJECT: Standardized Construction Contract Documents
Program Guidance Memorandum No. PG-17A

DATE: APR 15 1975

FROM: Harold P. Cahill, Jr., Director
Municipal Construction Division

Harold P Cahill

TO: All Regional Administrators
ATTN: Construction Grants Personnel

PROGRAM REQUIRMENTS MEMORANDUM PRM 75-4
Program Guidance Memorandum
PG-17A

The attached revised standardized construction contract documents have been prepared by the Interagency Committee Coordination of Sewer and Water Programs. The documents are the product of a working group composed of representatives of professional organizations, trade associations, and the Federal agencies involved in the grant programs for sewer and waste facilities.

Although the use of the documents by grantees is not mandatory, in the interest of simplifying procedures, grantees should be urged to use the standardized construction contract documents to the extent that they are compatible with local and State laws. The importance of these forms should also be conveyed to the State to gain their support for their regular use.

While the forms serve well as basic contract documents, they do not address all informational requirements prerequisite to EPA grant offers. Applicants therefore, will have to be apprised of the need to furnish additional supporting documents such as wage determinations, evidence of competitive bidding, etc., as necessary.

CONTRACT DOCUMENTS

FOR

CONSTRUCTION OF FEDERALLY ASSISTED WATER AND SEWER PROJECTS

LIST OF DOCUMENTS

1. ADVERTISEMENT FOR BIDS
2. INFORMATION FOR BIDDERS
3. BID
4. BID BOND
5. AGREEMENT
6. PAYMENT BOND
7. PERFORMANCE BOND
8. NOTICE OF AWARD
9. NOTICE TO PROCEED
10. CHANGE ORDER
11. GENERAL CONDITIONS

PREFACE

These Contract Documents are acceptable for use by borrowers and grantees in Federally assisted projects funded by the below listed Federal agencies.

Local or state legislation may prohibit the use of some sections. The substitution or revision of individual sections, therefore, may be deemed appropriate.

Jointly prepared and endorsed by:

Economic Development Administration, Department of Commerce
Environmental Protection Agency
Farmers Home Administration, Department of Agriculture
Department of Housing and Urban Development
American Consulting Engineers Council
American Public Works Association
American Society of Civil Engineers
Associated General Contractors of America
National Society of Professional Engineers
National Utility Contractors Association

Copies of these Documents may be obtained from the following associations:

Associated General Contractors of America
1957 E Street, N.W.
Washington, D.C.
Tele: 202/393-2040

American Consulting Engineers Council
1155 15th Street, N.W.
Washington, D.C.
Tele: 202/296-1780

National Society of Professional Engineers
2029 K Street, N.W.
Washington, D. C.
Tele: 202/331-7020

American Public Works Association
1313 East 60th Street
Chicago, Illinois
Tele: 312/947-2542

ENGINEER will make visits to the site and determine if the WORK is proceeding in accordance with the CONTRACT DOCUMENTS.

27.2 The CONTRACTOR will be held strictly to the intent of the CONTRACT DOCUMENTS in regard to the quality of materials, workmanship and execution of the WORK. Inspections may be made at the factory or fabrication plant of the source of material supply.

27.3 The ENGINEER will not be responsible for the construction means, controls, techniques, sequences, procedures, or construction safety.

27.4 The ENGINEER shall promptly make decisions relative to interpretation of the CONTRACT DOCUMENTS.

28. *LAND AND RIGHTS-OF-WAY*

28.1 Prior to issuance of NOTICE TO PROCEED, the OWNER shall obtain all land and rights-of-way necessary for carrying out and for the completion of the WORK to be performed pursuant to the CONTRACT DOCUMENTS, unless otherwise mutually agreed.

28.2 The OWNER shall provide to the CONTRACTOR information which delineates and describes the lands owned and rights-of-way acquired.

28.3 The CONTRACTOR shall provide at his own expense and without liability to the OWNER any additional land and access thereto that the CONTRACTOR may desire for temporary construction facilities, or for storage of materials.

29. *GUARANTY*

29.1 The CONTRACTOR shall guarantee all materials and equipment furnished and WORK performed for a period of one (1) year from the date of SUBSTANTIAL COMPLETION. The CONTRACTOR warrants and guarantees for a period of one (1) year from the date of SUBSTANTIAL COMPLETION of the system that the completed system is free from all defects due to faulty materials or workmanship and the CONTRACTOR shall promptly make such corrections as may be necessary by reason of such defects including the repairs of any damage to other parts of the system resulting from such defects. The OWNER will give notice of observed defects with reasonable promptness. In the event that the CONTRACTOR should fail to make such repairs, adjustments, or other WORK that may be made necessary by such defects, the OWNER may do so and charge the CONTRACTOR the cost thereby incurred. The Performance BOND shall remain in full force and effect through the guarantee period.

30. *ARBITRATION*

30.1 All claims, disputes and other matters in question arising out of, or relating to, the CONTRACT DOCUMENTS or the breach thereof, except for claims which have been waived by the making and acceptance of final payment as provided by Section 20, shall be decided by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association. This agreement to arbitrate shall be specifically enforceable under the prevailing arbitration law. The award rendered by the arbitrators shall be final, and judgment may be entered upon it in any court having jurisdiction thereof.

30.2 Notice of the demand for arbitration shall be filed in writing with the other party to the CONTRACT DOCUMENTS and with the American Arbitration Association, and a copy shall be filed with the ENGINEER. Demand for arbitration shall in no event be made on any claim, dispute or other matter in question which would be barred by the applicable statute of limitations.

30.3 The CONTRACTOR will carry on the WORK and maintain the progress schedule during any arbitration proceedings, unless otherwise mutually agreed in writing.

31. *TAXES*

31.1 The CONTRACTOR will pay all sales, consumer, use and other similar taxes required by the law of the place where the WORK is performed.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

November 8, 1973

PROGRAM REQUIREMENT MEMORANDUM PRM 75-6
PROGRAM GUIDANCE MEMORANDUM
NO. PG-20

TO: All Regional Administrator
Attn: Director, Air and Water Programs Division

FROM: Harold P. Cahill, Jr. H. P. Cahill Jr.
Director, Municipal Waste Water Systems Division

SUBJECT: Adequacy of Treatment Certification

All EDA and HUD assisted projects must conform to the minimum treatment requirements required for EPA construction grant projects. On EDA and HUD projects that are presently served by primary treatment only, adequacy of treatment certification may be issued provided that the municipality obtains a NPDES Municipal permit, or an identification of permit discharge conditions, in accordance with Section 402 of the Act. The permit must contain a firm schedule for meeting the treatment requirements of Section 301(b)(1)(B) and (C).

This supersedes Program Memoranda No. 72-7 and No. 72-9.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

August 8, 1975

PROGRAM REQUIREMENT MEMORANDUM PRM NO. 75-5
Program Guidance Memorandum
PG-19A

Subject: Non-Restrictive Specifications

From: John T. Rhett, Deputy Assistant Administrator
for Water Program Operations (WH-446)

John T Rhett

To: All Regional Administrators
ATTN: Director, Air and Water Programs Division

Section 204(a)(6) of the Federal Water Pollution Control Act Amendments of 1972 (PL 92500) states that "no specification for bids in connection with such works shall be written in such a manner as to contain proprietary, exclusionary, or discriminatory requirements other than those based upon performance, unless such requirements are necessary to test or demonstrate a specific thing or to provide for necessary interchangeability of parts and equipment, or at least two brand names of comparable quality or utility are listed and are followed by the words "or equal." 40 CFR 35.938 augments the Act by defining EPA policy as encouraging free and open competition.

This wording in the Act requiring two instead of one name brand will tend to increase the A/E's use of descriptive detail in the body of the specification and restrict his use of brand names to those areas where cost effectiveness can be shown to require it.

The primary purpose of using brand names in a specification is to enable the contractor to narrow his search for the equipment described in the body of the specification. Where there has been no attempt by the specification writer to describe an item in detail in the body of the specifications he is obligated to include with the brand name, the model number and other specifics to properly identify the desired product, provided that two such brand names (and descriptions) are included with the term "or equal" appended.

The term "or equal" has replaced the more conventional "or approved equal" in the statute. This change has been made to eliminate the connotation previously accepted that "or approved equal" products had to be "approved" prior to the bidding. The word "equal" has always presupposed a value judgment which has meaning only when stated by a qualified individual. Since the A/E has established by careful analysis the relative equality of two products, it is clear that he will be the most qualified to determine by the same means that a third product is equal to them. Therefore the determination of the acceptability of a third product will only be made by the A/E. In order that all bidders have the same opportunity, the A/E must include in the body of the specifications the criteria he will use in evaluating the proposed "equal" product.

Specifications which include two brand names of comparable quality or utility, followed by the words "or equal" meet the requirement of the statute. Exceptions to this requirement must be accompanied by a written "professional judgment finding" by the consulting engineer, that a restrictive specification is required to:

1. Test or demonstrate a specific process or piece of equipment, or

2. Provide necessary interchangeability of parts and equipment

3. Show total cost-effective performance of the equipment for the life of the plant.

Cost effective performance of the equipment includes not only initial expenditures but also operation and maintenance costs and all other costs incurred in selecting a piece of equipment. While not all inclusive, some of the items to be considered in the cost-effective analysis include guarantee life, start-up assistance, delivery time and redesign costs when the considered item will not fit the original design.

In the situation where an A/E believes that only one product will meet his requirements, he may utilize the provisions of 3 above by selecting the nearest competitive product and performing a cost effective analysis on the two. He may include the exclusionary item in the project specifications after having shown the cost effectiveness of the desired product.

Every Step II grant submittal of final plans and specifications shall be accompanied by one copy of each professional judgment finding and cost-effective analysis, supporting a proprietory specification, performed by the A/E during the preparation of the plans and specifications and a certificate from the grantee stating that the accompanying professional judgment findings and/or the cost effective analyses have been reviewed and approved.

The practice of inserting a general provision in the specifications to cover the lack of inclusion of the specific "two name brands or equal" clause in the specifications should be discontinued.

Based upon queries from the Regional Offices, there appear to be two other cases which need clarification. The resolution of these can best be handled by the use of hypothetical situations.

Case I The specifications call for A or B or equal.

The bids come in showing either A or B but with A costing more than B. The grantee wishes to install A, saying it is superior.

From EPA's point of view the fact that A and B were listed in the specifications as equal makes them equal and the grantee must accept the low bid.

If the grantee goes ahead and installs A, EPA will participate in none of the cost of purchasing and installing A.

Case II The specifications call for A or B or equal.

The bids come in with neither A nor B but showing the use of C. The grantee believes C is not equal to A or B and wishes to use A which will cost more. C meets all other requirements of the specifications. The only question is as to whether it is equal to A and B.

EPA will accept a cost-effective analysis proving A to be superior to C as disqualifying C and will share in the total cost of installing A. Case II type cost-effective analyses will be included in the package with the request for approval to award the construction contract and will be accompanied by a grantee certificate stating that the analyses have been reviewed and approved.

If no cost-effective analysis proving the superiority of A is prepared and the grantee still wishes to install A and pay the difference between A and C, EPA will not participate in the cost. The grantee must bear the entire cost of purchasing and installing A.

With regard to materials, such as pipe, it is not mandatory that two or more different types of material be specified; however, maximum competitive bidding is encouraged commensurate with sound engineering practice and requirements. Title II Regulations 35.935-26 states, "with regard to materials, if a single material is specified, the grantee must be prepared to substantiate the basis for the selection of the materials." It is preferable to use performance specifications for materials based upon accepted nationally-known standards such as AWWA, USAS, ASTM, AASHO and Federal Specifications and Standards.

Utilization of the above guidance should resolve most problems, reducing proportionately the number of paragraph 35.939 appeals.

This Program Guidance Memorandum, PG-19A, Non-Restrictive Specifications, supersedes PG-19, dated November 2, 1973 and PM 73-1, dated February 21, 1973. It should be noted that the draft memo, dated July 3, 1973, entitled: "Non-Restrictive Specifications Section 204(a)(6) FWPCA Amendments of 1972" which was circulated for comment has no official standing whatsoever.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

February 7, 1974

OFFICE OF AIR
AND WATER PROGRAMS
PROGRAM REQUIREMENTS MEMORANDUM PRM 75-7
PROGRAM GUIDANCE MEMORANDUM
NO. PG-24

TO: All Regional Administrators

FROM: Harold P. Cahill, Jr., Director
Municipal Construction Division H. P. Cahill Jr

SUBJECT: Sewer System Evaluation and Rehabilitation

Title II Regulations in final form were signed by the Administrator on February 4, 1974, and will be effective immediately upon publication in the Federal Register. The following basic changes were made to Section 35.927 to provide more flexibility to the Regional Administrators in program implementation and to provide for a period of transition.

A detailed infiltration/inflow analysis will not be required where it can reasonably be shown that the treatment works is not subject to exessive infiltration/inflow or will be component part of any system that is to be rehabilitated. Provision has been made for certification by the State agency that excessive infiltration/inflow does or does not exist.

The Regional Administrator will determine that excessive infiltration/inflow does not exist on the basis of State certification, if he finds that the State had adequately established the basis for its certification through submission of only the minimum information necessary to enable a judgment to be made. This could include a preliminary review by the applicant or State of, for example, such parameters as per capita design flow, ratio of flow to design flow, flow records or estimates and/or hydrological, geographical, and geological conditions.

Step 3 Grants

(1) When the State certification is not submitted as above, the Regional Administrator should make his determination on the basis of an infiltration/inflow analysis.

(2) In the event it is determined that the treatment works would be regarded in the absence of a program of correction as subject to excessive or possible excessive infiltration/inflow, a grant may be awarded provided that the treatment works for which grant application is made will not be changed by any subsequent rehabilitation program or will be a component part of any rehabilitated system as specified in section 35.927-5 provided that the grantee agrees to complete the sewer system evaluation and any resulting rehabilitation on an implementation schedule the State adopts subject to approval by the Regional Administrator which shall be inserted as a special condition in the Grant Agreement.

(3) For projects wherein in the opinion of the Regional Administrator excessive infiltration does not exist, the Step 3 Grant may be made based on State certification without requiring the sewer evaluation.

Attached are samples of acceptable certification forms for non-excessive, and excessive or possible excessive infiltration/inflow.

Step 2 Grants

For Step 2 projects where the preliminary engineering report includes all elements of the facilities plan except the sewer system evaluation, a grant may be awarded if the Regional Administrator determines on the basis of the State certification or the infiltration/inflow analysis that excessive infiltration/inflow does not exist. Step 2 Grants can also be made where the analysis indicates that excessive infiltration/inflow exists but the treatment works capacity would not be changed by any subsequent rehabilitation program, with the same grant condition as outlined above for Step 3 Grants.

Step 1 Grants

For Step 1, projects, a complete sewer system evaluation consisting of the infiltration/inflow analysis and, if required, the sewer system evaluation survey in accordance with section 35.927 is an essential element of the facilities plan except for projects certified by the State and determined by the Regional Administrator as not subject to excessive infiltration/inflow.

These changes are to be implemented immediately in review of grant applicants for Step 1, 2, and 3 Grants. Applicants that have initiated evaluations based on previous drafts of guidelines should be encouraged to complete the studies, but the scope of these evaluations may be adjusted in accordance with the revised section 35.927.

The course of action to be followed in correction of excessive infiltration/inflow may take into account, in addition to flow and related data, other considerations such as cost-effectiveness, the cost of substantial treatment works construction delay, the effects of plant bypassing and overloading, public health emergencies, and relevant social and environmental factors.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

March 1, 1974

PROGRAM REQUIREMENTS MEMORANDUM PRM 75-8
PROGRAM GUIDANCE MEMORANDUM
NO. PG-25

SUBJECT: Flood Disaster Protection Act of 1973
(Public Law 93-234)

FROM: Harold P. Cahill, Jr., Director
Municipal Construction Division (AW-436) H. P. Cahill J

Alexander J. Greene, Director
Grants Administration Division (PM-216) signed

TO: Regional Administrators

A new public law requiring flood insurance for any project involving acquisition or construction which receives Federal financial assistance was enacted on December 30, 1973. It is called the "flood Disaster Protection Act of 1973." This Act amends the National Flood Insurance Act of 1968.

Both Acts provide for low cost flood insurance for projects in flood prone areas through the means of a subsidy and require, as a condition precedent, the enactment by local jurisdictions of land use and control measures to guide the use of flood plains. The new Act is under the jurisdiction of the Department of Housing and Urban Development and takes effect on March 4, 1974, as to the need for flood insurance before grant assistance may be awarded.

The 1973 Act affects the EPA grant programs as follows:

(1) No grant assistance may be approved after March 4, 1974, for any project involving construction in a designated flood hazard area in which the Federal flood insurance is available unless the project (or those portions lying in such hazard area) is covered by flood insurance for its entire useful life in an amount at least equal to its eligible development or project cost or to the maximum limit of coverage made available, whichever is less. The present maximum limit for non-residential structures is $200,000 on the structure and $200,000 on contents. (The community, however, is

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 4 1974

PROGRAM REQUIREMENTS MEMORANDUM PRM 75-9
Program Guidance Memorandum
PG-25A

Subject: Supplement to PG No. 25; Flood Disaster Protection Act of 1973 (PL 93-234)

From: Harold P. Cahill, Jr., Director, Municipal Construction Division (WH-447)

Harold P Cahill

To: Regional Administrators
ATTN: Air and Water Program Directors

On July 17, 1974, the Department of Housing and Urban Development published guidelines for Federal agencies regarding the mandatory purchase of flood insurance. The HUD guidelines provide that if the total value of all insurable improvements or property is less than $10,000, flood insurance need not be required.

The grant conditions contained in PG No. 25, Subject: Flood Disaster Protection Act of 1973 (PL 93-234), pertaining to the flood insurance purchase requirement have accordingly been revised. The revised applicable condition below must be included in each grant award made, until the publication of the final general grant regulations in the Federal Register.

If any grantees with insurable improvements and property of less than $10,000 have been made subject to the earlier conditions, you may amend those grant agreements to substitute the applicable condition below.

CONSTRUCTION GRANT CONDITION (Step 3)

> The grantee agrees to acquire and maintain any flood insurance made available to it under the National Flood Insurance Act of 1968, as amended. The insurance shall be in an amount at least equal to the total eligible project costs excluding cost of land and uninsurable improvements, or to the maximum limit of coverage made available under the National Flood Insurance Act of 1968, as amended, whichever is less, for the entire useful life of the project.

This condition shall not be applicable if, on the date of execution of the grant agreement by both parties flood insurance was not available pursuant to the Flood Insurance Act of 1968, as amended, for property in the project location. This condition shall not be applicable if the project location is outside the boundaries of a special flood hazard area delineated on a Flood Hazard Boundary Map or Flood Insurance Rate Map which has been issued by the Department of Housing and Urban Development, Federal Insurance Administration. This condition shall not be applicable if the total value of improvements insurable under the National Flood Insurance Act is less than $10,000.

Although the above conditions will be routinely added to every Step 3 award, the Department of Housing and Urban Development has interpreted the statute as providing insurance only for grant projects involving a new or reconstructed structure, i.e., a surface structure with four walls, a roof and a floor and the contents of a structure, but not to include any sewer lines or sub-surface structures.

Two copies of either the Flood Hazard Boundary Map or the Flood Insurance Rate Map, which are referred to in the grant conditions, will be forwarded to you in the near future by the Federal Insurance Administration, HUD, Washington, D. C. As the Flood Insurance Rate Maps become available, they will replace the Flood Hazard Boundary Maps and will be sent to you automatically.

Utilization of this condition is not required for Step 1 or Step 2 grant awards.

~~7. The costs of waste treatment services to be allocated in proportion to wastewater characteristics.~~

~~8. The costs of waste treatment services to be collected by means of a uniform charge to each user.~~

~~9. Any surcharges to be levied on user classes to bring about proportionality between such classes.~~

Industrial Cost Recovery

1. Industrial cost recovery charges may be allocated on a systemwide basis provided that the treatment works project for which the grant is made is substantially interconnected with a goal to be completely interconnected physically with all other portions of the system. The degree to which a grantee's treatment works constitute a "system" is open for determination by the Regional Administrator. The grant for a treatment works project should be considered allocable to all industries served by the grantee only if the grantee's treatment works are physically interconnected, or substantially interconnected with a goal to have, when completed, an interconnected system.

2. Grantees may elect to compute industrial cost recovery annually for all projects completed within the accounting period. As a minimum, however, enabling legislation should be enacted by the grantee setting up the industrial cost recovery system, providing for collection of the charges, providing for segregation of the funds collected, and otherwise complying with EPA regulations pertaining thereto (40 CFR Part 35.928).

Immediate advantage should be taken of these criteria on projects where you have encountered problems in the areas covered by this memorandum. Earlier Headquarters guidance on user charges and industrial cost recovery will be modified to reflect the criteria contained herein.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

SUBJECT: Approval of Reimbursement Projects Not Previously Serviced by EPA

DATE: APR 17 1974

FROM: John T. Rhett
Deputy Assistant Administrator for Water Operations (AW-446)

John T. Rhett

TO: Regional Administrators
ATTN: Air and Water Program Directors

PROGRAM REQUIREMENTS MEMORANDUM PRM 75-11
Program Guidance Memorandum
PG-30

This is in response to a need for more specific guidelines required to properly review and process applications for reimbursement under Section 206 which were not previously serviced by EPA. The Office of General Counsel has provided us with an opinion regarding the legal issues involved and the mandatory requirements which applicants must meet. It is attached for your information and should be reviewed before undertaking action on the "woodwork" projects.

So that the review can be conducted using itemized specific requirements, we are supplementing the legal opinion with a checklist of applicable provisions. These provisions represent minimum compliance requirements to be met by the previously unserviced projects prior to approval for award.

Initially it is necessary that certain actions on each of the projects be fulfilled by the State. They are as follows:

1. Provide a copy of the State Permit, or provide certification that the project was designed and built in accordance with regulations and requirements of the State Agency.

2. Certify that the facility, upon completion, was operated consistent with State requirements. (If the facility is not currently being operated, an explanation of the mitigating circumstances must be provided.)

3. Provide a statement to the effect that the project was constructed for benefit of public at large. The statement must address the public benefits derived by project construction; the relation of the ultimate cost of constructing and maintaining the works to the public interest; and the public necessity of the treatment works.

Upon receipt of the above, the remainder of the review will be based on information submitted by the applicant. Since it is likely that all of the needed items of data will not be on hand with the applicant's original application, it will be necessary to request them in writing. In that letter, it is important to remind the applicant of the fact that eligibility for reimbursement is limited solely to treatment works as defined in Section 8 of the Federal Water Pollution Control Act prior to the October 18, 1972 Amendments thereto, i.e., sewage treatment plants including additions, modifications, alterations, etc., and appurtenant intercepting and outfall sewers, force mains and pump stations. Collection sewers, etc., are not eligible for reimbursement grant consideration.

In addition to the fact that the municipality's application must have been on file in the regional office by January 31, 1974, with the elements of data required in the published regulations, the following items are also needed to determine its eligibility.

1. Certification that standard procurement procedures were followed--with all contracts awarded to the lowest responsive bidder(s); and that proof of advertising, bid tabs, etc., will be available upon audit. Certification that all costs applied for have been paid and that evidence of such payment will be available upon audit.

2. Certification that the contractors paid the same general level of wages to their employees as was paid to those similarly situated at the time.

3. A resolution from the applicant's governing body authorizing a representative, by name and title, to execute and file all documents regarding the project.

4. Evidence that the project was approved by the appropriate planning agency. (Applicable to projects applying for the 10% planning bonus.)

5. A true copy of each executed contract document.

6. One copy each of the approved final construction estimate and bills submitted to the municipality for engineering services rendered. Requests for grant assistance for legal costs, bond costs, administrative costs, etc., should be discouraged.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

13 MAY 1974

PROGRAM REQUIREMENTS MEMORANDUM PRM 75-12
PROGRAM GUIDANCE MEMORANDUM
NO. PG-31

TO : All Regional Administrators
Attn: Director, Air and Water Programs Division

FROM : Harold P. Cahill, Jr., Director
Municipal Construction Division

SUBJECT: Obligation, Recovery and Reallotment of Contract Authority Funds

Allocated FY-73 funds, which are unobligated as of close of business on June 30, 1974, will be withdrawn on July 1, 1974, and immediately reallotted to those States which used their full allotment. Reallotment will be on the basis of the ratio used in making the last allocation -- viz., the percentages used in formulating the FY-75 State allotments.

The above reallotment procedure applies equally to FY-73 funds which were obligated prior to July 1, 1974, withdrawn, and remain unobligated as of close of business June 30, 1974. As you know, present procedures imposed on EPA for reallotting recovered funds (from FY-73 and prior year allotments) necessitate approximately six to eight weeks "turn around" time. Although the Office of Resources Management is currently attempting to get relief from this delaying procedure, it is important to recognize that, when considering the deobligation of FY-73 funds, FY-73 recovered funds "caught" in the reallotment procedure, if not obligated by 6/30/74, will be reallotted as noted in the paragraph above.

All FY-73 funds reallotted after June 30, 1974, will retain their FY-73 identification and will be available for reobligation in the same manner as obligations made from FY-74 allotments. However, reallotted funds should be obligated on the first grant offer or offers made following reallotment. As a general rule, in obligating construction grant funds, Regions are expected to use the oldest year's allotments first. However, where regulations or policy dictate otherwise, or where conditions warrant a departure from this rule, the exercise of prudent Regional judgment is expected.

FY-74 funds, after the close of business on 6-30-74, will be withdrawn and reallotted. This annual withdrawal and reallotment is an accounting procedure implemented for the purpose of improving fiscal controls. Upon reallotment, the only change will be that of the allowance and account numbers. The status and amount of each State's FY-74 account will remain the same. Revised Regional/State FY-74 allowance and account numbers, to be used beginning July 1, 1974, will be issued by the Office of Resources Management in advance of that date so that the obligation of available FY-74 funds can continue uninterrupted. Until 6-30-74, recovered FY-74 funds, unlike FY-73 and prior year allotments, can be immediately reobligated. However, beginning July 1, 1974, recovered FY-74 funds must be reallotted before they can be reobligated.

FY-75 funds recovered prior to July 1, 1974, are not subject to reallotment on 6-30-74 and, upon recovery, can be immediately reobligated.

In connection with FY-75 allotments, all projects, initially funded with FY-75 funds -- regardless of the date of award -- must comply with BPWWT requirements. Projects initially funded after 6-30-74 with FY-74 or FY-73 funds are not subject to BPWWT requirements.

PROGRAM REQUIREMENT MEMORANDUM PRM 75-13
Program Guidance Memorandum
PG-32

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SUBJECT: Management of Construction Grants Funds DATE: APR 19 1974

FROM: Alvin L. Alm
Assistant Administrator for Planning and Management AA

Roger Strelow Roger Strelow
Acting Assistant Administrator for Air and Water Programs

TO: Regional Administrators

The purpose of this memorandum is to announce a revision of Agency policy to permit the discretionary use of Title II contract authority for funding grant increases for cost overruns on Section 8 projects, except those projects that are eligible for funding under Section 206 of PL 92-500. This memorandum and the attached documents supersede the following:

- memorandum on Management of Construction Grant Funds from Messrs. Alm and Sansom to Regional Administrators, dated December 7, 1973,
- Office of Resources Management, Policy and Procedure Memorandum #9, dated December 7, 1973, and
- where applicable, opinions of the Office of General Counsel dated November 16, 1972, March 23, 1973, and July 17, 1973.

Revised Legal Opinion

Attachment I is the revised legal opinion which indicates that we now find that Section 4(c) of PL 92-500 provides the discretionary authority to use Title II contract authority to fund grant increases for cost overruns on Section 8 projects not eligible under Section 206. This opinion reverses earlier opinions which found that Title II contract authority could not be used for Section 8 projects and which determined Agency policy as delineated in the December 7, 1973 memoranda cited above.

Revised Policy

Pursuant to this revised legal opinion, we have revised and are hereby issuing Office of Resources Management Policy and Procedures Memorandum #9A (Attachment II).

Discussion of Revised Policy

Since our policy issuance of December 7, 1973, we have been advised by the regions that, in many States, there currently are, or are likely to be, insufficient unobligated 1972 and prior-year funds (including potential recoveries of such funds) to cover all Section 8 project cost overruns. This has resulted in our not being able to provide grant increases to certain projects where bids substantially exceed the estimated costs. In some cases, communities have felt forced to give up their Section 8 grants and reapply under Title II. Also, the regions have reached, or will reach, the point where eligible grant increases for change orders during construction cannot be approved within available 1972 and prior-year funds. The use of Title II contract authority to supplement available 1972 and prior-year funds, as provided in this policy revision, will provide a means to solve these problems.

We wish to emphasize that the intent of this revised policy is that Title II contract authority is available to supplement available 1972 and prior-year funds for cost overruns. Available 1972 and prior-year funds must be used first and before Title II contract authority can be used for Section 8 cost overruns. Also, and equally important, we are continuing our previous policy (see December 7, 1973 memoranda) of maximizing the availability of 1972 and prior-year funds through the recovery of funds where possible, particularly from projects that are not under construction without good justification within two years after the grant award. In short, our policy is to use Title II contract authority only when and where 1972 and prior-year funds are not available or cannot be made available through recoveries. When Title II contract authority is used, it should be taken from the five percent reserve for overruns required under 40 CFR-35.915(g).

Our policy prohibits the use of 1972 and prior-year funds for Title II projects. It also prohibits, on grounds of equity, the use of either Title II contract authority or 1972 and prior-year funds for grant increases for changes in project scope. Such changes in scope should be handled as separate projects--applied for, funded and processed under Title II.

Funding of Section 206 Projects

The legal opinion and our policy prohibits the use of either Title II contract authority or 1972 and prior-year funds for the reimbursement of projects eligible under Section 206 of PL 92-500 since it is clear that Congress intended that such reimbursements should be exclusively funded with monies authorized under and appropriated for Section 206.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 10, 1974
PROGRAM REQUIREMENT MEMORANDUM PRM 75-14
PROGRAM GUIDANCE MEMORANDUM
NO. PG-33

SUBJECT: Grant Funds and Project Segmenting

FROM : Harold P. Cahill, Jr., Director
Municipal Construction Division

Harold P Cahill

TO : All Regional Administrators
Attn: Director, Air and Water Programs Division

The passage of P. L. 93-243 enables a construction grant to be awarded to a segment of a project without regard to operability. Regulations implementing this legislation have been included in Title II Regulations, paragraphs 35.930-4 and 35.935-1. The legislation and regulations provide an alternate course of action in those circumstances where the construction of an extremely large project would result in program scheduling difficulty for the State in the management of its total grant program. The provisions should enable a State's program to move ahead when its priority list is being blocked by certain project or projects.

Segmenting prudently administered should prove beneficial to the management of State programs. However, in undertaking the segmenting of a project it is important that both the State and municipality recognize that such a step must be taken within the framework of the law and regulations of which it is a part. It is essential to insure that (a) all grants are awarded at the 75% level. Under no circumstances can a grant be awarded for less than 75% of the eligible cost of the project; (b) the project must be comprised of a discrete and meaningful contract or sub-contract; and (c) the awarding of a grant to a segmented project in no way binds the Federal Government to funding the remaining segment or segments comprising the total project. Moreover, when an applicant undertakes a segment of a project and receives a grant award for that segment, he is committed to the completion of both an operable treatment works and the complete sewage treatment system of which the segment is a part.

Therefore, each construction grant (Step 3 grant) awarded for a segmented project must contain a statement embodying the above and that which is specifically provided for in paragraphs 35.930-4 and 35.935-1 of the Title II Regulations.

The following statement therefore shall be included as a part of any Step 3 construction grant for a segmented project.

> "The grant awarded is for 75% of a segment of a total project. In accepting this award, the grantee agrees to complete the construction of the operable treatment works (see 35.905-15) and complete waste treatment system of which the project is a part (see 35.930-4) and, the grantee further understands and agrees that the Federal Government is not committed to participate in the funding of the remaining part or parts of the operable portion of the system or of the complete system (see 35.935-1)."

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

SUBJECT: Class Deviation--Use of Force Account Work on Construction Grant Projects

DATE: May 7, 1974

PROGRAM REQUIREMENT MEMORANDUM PRM 75-15
PROGRAM GUIDANCE MEMORANDUM PG-34

FROM: Alexander J. Greene, Director signed
Grants Administration Division (PM-216)

TO: Regional Administrators

The construction grant regulations (40 CFR 35.935-2(a) published February 11, 1974) permit the use of force account only for Step 1 or Step 2 infiltration/inflow work for which the Regional Administrator has given prior written approval and segments of Step 3 work, the cost of which is estimated to be less than $25,000. Many grantees possess the capability to perform other phases of work generally connected with construction grant projects.

A deviation from the provisions of 40 CFR 35.935-2(a) relating to the use of force account on construction projects is approved. The effect of this deviation is to allow the use of force account for any Step 1, 2 or 3 work for which the Regional Administrator has given prior written approval based on the grantee's demonstration that (1) he possesses the necessary competence required to accomplish such work and (2) the work can be accomplished more economically by the use of the force account method.

This section will be modified accordingly when the Title II regulations are amended.

☒ Concur - No comment	☒ Concur - No comment
☐ Concur with comment (See attached)	☐ Concur with comment (See attached)
☐ Non-concur (See attached)	☐ Non-concur (See attached)
signed	signed
Charles Elkins Acting Assistant Administrator for Water and Hazardous Materials	Alvin L. Alm Assistant Administrator for Planning and Management

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

SUBJECT: Approval of Class Deviation - Use of Force Account Work on Construction Grant Projects--BRIEFING MEMORANDUM

DATE: April 30, 1974

FROM:

Alexander J. Greene signed
Director, Grants Administration Division (PM-216)

TO:

Alvin L. Alm
Assistant Administrator for Planning and Management (PM-208)

James L. Agee
Acting Assistant Administrator for Water and Hazardous Materials (HM-556)

Section 35.935-2(a) of the construction grants regulations published on February 11, 1974, restricts the use of force account to Step 1 or Step 2 infiltration/inflow work for which the Regional Administrator has given prior written approval and segments of Step 3 work, the cost of which is estimated to be under $25,000. Two Regional Administrators and the Director, Municipal Construction Division, have requested deviation from this provision indicating that many grantees do maintain well trained personnel on a normal work staff basis who are capable of performing phases of work generally connected with construction projects. Requiring these grantees to award separate contracts for such work would prove more costly and inconvenient to them and could actually cause some project delays.

The requested class deviation would allow any Step 1, 2, or 3 work to be accomplished by force account by a grantee who has demonstrated to the Regional Administrator's satisfaction that he possesses the necessary competence required to accomplish such work and that by utilizing the force account method, the work could be accomplished more economically than by other methods.

We recommend your concurrence in this deviation.

Attachment

EPA Form 1320-6 (Rev. 6-72)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

SUBJECT: Request for Deviation to Subsection 40 CFR, 35.935-2(a) Title II Construction Grants Regulations

DATE: April 1, 1974

FROM:

Harold P. Cahill, Jr., Director
Municipal Construction Division (AW-447) H. P. Cahill Jr

TO:

Alexander J. Greene, Chief
Grants Administration Division (PM-216)

In accordance with 40 CFR, Section 30.1001, a deviation from subsection 35.935-2(a) of the Construction Grants Regulations is being requested. This subsection relates to the use of force account work for Step 1 and certain parts of Step 2 projects. Most of Step 2 and all of Step 3, construction applicants are not permitted use of force account procedures.

It is our opinion that this requirement reflects an undue and unwarranted penalty on certain applicants. Many applicants maintain well trained personnel on a normal work staff basis that would be capable of carrying out phases of work generally connected with our construction projects. It is therefore, more costly and inconvenient for them to have to place this work under separate contracts. The requirement could actually cause certain projects to be delayed.

We believe the Regional Administrator can make a most adequate assessment of an applicant's competence to carry out force account work in total or any part thereof. On this basis we recommend that a class deviation be allowed to subsection 35.935-2(a) to allow any Regional Administrator to permit force account work to be completed by any grantee for any project, or segment of any step work, provided the grantee demonstrates to the Regional Administrator's satisfaction that such procedure will result in a savings to the project and thus to the Federal share.

Two Regional attachments containing this request are enclosed for your additional information.

Attachments (2)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 3 1974

PROGRAM REQUIREMENT MEMORANDUM PRM 75-16
PROGRAM GUIDANCE MEMORANDUM
PG-35

SUBJECT: Title II Regulations, Section 35.915(i)--
Reserve for Step 1 and Step 2 Projects

FROM: Harold P. Cahill, Jr.
Director, Municipal Construction Division (WH-447)

Harold P Cahill

Mark Pisano
Director, Water Planning Division (WH-454)

TO: Regional Administrators
ATTN: Air and Water Programs

This memorandum addresses the purpose of the subject regulations which permit a State to retain up to 10 percent of its yearly construction allotment as a reserve for grant assistance for Step 1 and Step 2 projects whose selection for funding is to be determined by the State subsequent to approval of its project list.

This action is intended to provide, where needed, a contingency fund for meeting unexpected situations that may develop subsequent to the time a State's priority list has been established. For example, court enforcement orders or urgent disaster situations may dictate that projects, not within the priority lists funding cut off, be initiated more rapidly than planned. Also, Step 1 projects may be completed earlier than anticipated and an (up to) 10 percent reserve could be available to fund follow-on Step 2 projects that might otherwise be delayed.

Determining which step or steps of a project will be funded by the State with each fiscal years' allotment is an important element of the State's grants management program. A smooth flow of projects in the construction "pipeline" requires that considerable attention be given to step funding during the development of a priority list. Clearly, however, not all project needs can be forseen at the outset. Accordingly, in addition to permitting the amending of priority lists to accommodate commonly expected changes, the regulations enable a State to set aside a portion of its allotment in anticipation of having to readily initiate less predictable, urgently needed projects. This reserve must be incorporated in the State's priority list at the time approvals are sought.

It should be noted that the State has the option to maintain a reserve for Step 1 and Step 2 projects for the full allowable period (up to eighteen months after the date of allotment) or to discontinue it at any time.

This section of the regulations was added to give States the flexibility required to more effectively manage their overall construction grant program. Interpretations need to be made commensurate with this purpose.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

June 5, 1974
PROGRAM REQUIREMENT MEMORANDUM PRM 75-17
PROGRAM GUIDANCE MEMORANDUM
PG-36

SUBJECT: Construction of Pretreatment or Treatment Facilities for Municipal Utilities

FROM: Harold P. Cahill, Jr. Harold P Cahill Jr
Director, Municipal Construction Division

TO: Regional Administrators
ATTN: Air and Water Program Directors

Questions have been raised regarding the continuation of our practice of awarding grants for sludge handling, pretreatment, and/or overall treatment facilities constructed at municipal water treatment plants--separate from the basic municipal waste water treatment system. This practice, approvable under PL 84-660 (as amended), is inconsistent with the provisions of PL 92-500.

Pretreatment (and treatment) facilities, constructed solely to meet single, special purpose situations, viz., to control pollutants which cannot be handled within the overall municipal system, are not the kind of projects intended for grant assistance under the construction grants program. Such facilities are to be viewed as an integral part of the utility's design and function and their cost, as a capital cost of utility construction. Accordingly, a separate waste water treatment facility, constructed at a municipal utility site, for the sole purpose of treating or pretreating pollutants eminating from that utility, is not to be considered eligible for grant assistance; see 40 CFR 35.925-15.

Therefore, effective July 1, 1974, grants for all such separate facilities cannot be approved. Previously approved grants for projects of this nature are not affected by this decision, nor are Step 3 grants awarded through June 30, 1974.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D.C. 20460

SEP 17 1974

PROGRAM REQUIREMENT MEMORANDUM PRM 75-18
PROGRAM GUIDANCE MEMORANDUM
PG-36A

SUBJECT: Eligibility of Wastewater Treatment Facilities at Municipally Owned Water Treatment Works for Construction Grants

FROM: Harold P. Cahill, Jr., Director
Municipal Construction Division (WH-447)

Harold P Cahill

TO: Regional Administrators
ATTN: Air and Water Program Directors

Program Guidance Memorandum 36, issued June 5, 1974, gave notice of the termination of the practice of funding wastewater treatment projects at water treatment plants owned by municipalities. Since the issuance of that memorandum, numerous requests have been received for a more detailed explanation of the reasons for this action. To give added support to EPA's position denying the eligibility of municipally owned water treatment works for wastewater treatment grants, we are providing the following. It is to be used as a supplementary attachment to PG-36.

Section 201(g)(1) of PL 92-500 authorizes the Administrator to make grants for the construction of publicly owned treatment works. Section 202(a) of the Act provides that the amount of any grant shall be 75% of the cost of construction of the treatment works and regulations have been promulgated setting forth standards for determining construction costs eligible for grant assistance. In particular, 40 CFR 35.925-15 provides, in part, "That the allowable project costs do not include costs allocable to the treatment for control or removal of pollutants in wastes introduced into the treatment works by industrial users unless the applicant is required to remove such pollutants introduced from non-industrial sources; and that the project is included in a waste treatment system, a principal purpose of which project and system is the treatment of domestic wastes of the entire community, area, region or district concerned."

From the above, it is clear that one test of a project's eligibility for grant funds is that it has, as its principal purpose, the treatment of domestic wastes of the entire community, area, region or district concerned. A municipally owned utility could not meet this funding test.

The wastes generated by municipal water works are generally not similar to wastes introduced into the treatment works by non-industrial sources and, accordingly, special facilities are required in order to properly treat these wastes. Since the treatment of water for human consumption is an industrial undertaking, the water company serving a municipality, whether publicly or privately owned, is in the same position as any other industrial user of a municipal treatment system introducing pollutants into the system which require special treatment equipment so that the wastes will neither impair the system's efficiency nor pass through insufficiently treated. This viewpoint is derived from Sections 402 and 307(b) of the Act which prohibit the discharge of pollutants into a municipal treatment works, which are not susceptible to treatment by such treatment works or, which would interfere with the operation of such treatment works.

Under Section 8 of PL 84-660, grant monies were available to municipalities for the construction of necessary treatment works to prevent the discharge of untreated or inadequately treated sewage or other waste into waterways. Under Sections 307 and 402 of the new statute, grant monies are available to treat "usual" wastes expected in treatment works, and special wastes must be removed by the responsible source at its expense.

To allow grant funds to be used to assist the water supply industry could lead to similar requests from a wide variety of other municipally owned facilities such as power plants, airports, mass transportation facilities, feed lots, etc., operated as public utilities. Such action would have the effect of depleting Federal resources intended to support the construction of waste treatment facilities to serve the total municipality.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

July 9, 1974

PROGRAM REQUIREMENT MEMORANDUM PRM 75-19
PROGRAM GUIDANCE MEMORANDUM
NO. PG-37

TO: All Regional Administrators
Attn: Director, Air and Water Programs Division

FROM: Harold P. Cahill, Jr., Director
Municipal Construction Division H. P. Cahill Jr

SUBJECT: Cancelling PG-28
User Charges and Industrial Cost Recovery System

Enclosed is a copy of the decision (File B-166506-7/2/74) of the Comptroller General of the United States informing that the use of ad valorem taxes for a user charge system for wastewater treatment works does not satisfy statutory requirements of Public Law 92-500. In accordance with the Comptroller General's decision, no project can be approved if the grantee proposes to utilize ad valorem tax funds to satisfy user charge requirements of the Act.

Effective July 4, 1974, those paragraphs pertaining to "user charges" in Program Guidance Memorandum No. PG-28 "User Charges and Industrial Cost Recovery System" are cancelled. The section on "industrial cost recovery" is still applicable and will be included in a new program memorandum to be issued in the near future.

Grants applications in your office, which propose using ad valorem taxes for the user charge system, are to be held in abeyance. Advice pertaining to steps to be taken on these projects as well as those on which grant offers have already been made will be issued shortly.

Enclosure

DECISION

THE COMPTROLLER GENERAL
OF THE UNITED STATES
Washington, D.C. 20548

FILE: B-166506

DATE: July 2, 1974

MATTER OF: Use of ad valorem tax to satisfy statutory requirement for a user charge system for water treatment works.

DIGEST: Statutory requirement that grantees under Public Law 92-500 will adopt system of charges assuring that each recipient of waste treatment services shall pay its proportionate share of treatment works' operation and maintenance costs is not met by use of ad valorem tax since potentially large number of users--i.e., tax exempt properties-- will not pay for any services; ad valorem tax does not achieve sufficient degree of proportionality according to use and hence does not reward conservation of water; and Congress intended adoption of user charge and not tax to raise needed revenues.

We have been requested to render a decision as to the propriety of the Environmental Protection Agency's (EPA) authorizing grant recipients to meet the user charge requirements of section 204(b)(1) of the Federal Water Pollution Control Act (FWPCA) as amended by Public Law 92-500, 33 U.S.C. (supp. II) 1284(b)(1), through the use of an ad valorem tax system. In connection with the matter, we have considered the views of EPA and other concerned parties.

Subsection 204(b)(1) of the FWPCA provides that EPA's Administrator should not approve any grant for any treatment work after March 1, 1973, "unless he shall first have determined that the applicant (A) has adopted or will adopt a system of charges to assure that each recipient of waste treatment services within the applicant's jurisdiction, as determined by the Administrator, will pay its proportionate share of the costs of operation and maintenance (including replacement) of any waste treatment services provided by the applicant; ***." Subsection (2) provides that the Administrator shall issue guidelines applicable to payment of waste treatment costs by industrial and nonindustrial recipients of waste treatment services which - -

> "shall establish (A) classes of users of such services, including categories of industrial users; (B) criteria against which to determine the adequacy of charges imposed

industrial operations and others that do not discharge into a public sewage system. Of major importance also is the fact that the ad valorem tax does not in any way reward conservation of water and this was clearly an important factor in the congressional adoption of the user charge. In addition, as a practical matter, it is difficult to see how EPA could establish guidelines imposing varying surcharges in order to achieve any real degree of proportionality.

We recognize that alternatives to use of the ad valorem method may fall short of achieving absolute proportionality. Nonetheless, such other methods would appear to provide a degree of proportionality with respect to each recipient of sewer services which seemingly cannot be reached by ad valorem taxes. As imprecise a measure as such alternatives might be, they would be more consonant with the intent of Congress that every user should pay its fair share of operation and maintenance costs according to its use of the sewage treatment works and the underlying congressional feeling that the operation and maintenance of these works should be financed on a user, and not a tax, basis. Moreover, the alternative would not penalize those who do not use the sewage system.

Accordingly, while the matter is quite complex and not entirely free from doubt, it is our view that the section 204(b)(1) requirement that each recipient of sewer services will pay its proportionate share of the treatment works' operation and maintenance expenses may not be met through the implementation of an ad valorem tax system. We understand from an article in the Environmental Reporter that EPA's Deputy Administrator has advised several Members of Congress that if this Office were to question the use of an ad valorem user charge system, EPA would seek legislative authority therefor. We agree that if EPA believes that an ad valorem system would be appropriate in certain circumstances, it should seek to obtain statutory authority therefor.

signe.
Elmer B. Staats

Comptroller General
of the United States

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

SUBJECT: User Charge Systems

DATE: July 16, 1974
PROGRAM REQUIREMENT MEMORANDUM PRM 75-
PROGRAM GUIDANCE MEMORANDUM
PG-38

FROM: James L. Agee signed
Acting Assistant Administrator
for Water and Hazardous Materials

TO: All Regional Administrators

By Program Guidance Memorandum No. 37 dated July 9, 1974, you were advised of the recent Comptroller General of the United States opinion informing that the use of the ad valorem tax base for the development of the user charge system for publicly owned waste water treatment works did not satisfy statutory requirements of P. L. 92-500 and that advice would be issued with respect to steps to be taken on those projects for which grant obligations had already been made wherein the applicant intended to use the ad valorem tax base in the development of a user charge system as well as those grant applications pending or in process falling in the same category.

The following steps are to be taken on the above projects:

1. Grant applications in process in your office and those subsequently received which propose using the ad valorem tax base for the development of the user charge system shall be returned to the applicant with the notation that they are in nonconformance with the statutory requirements of P. L. 92-500 as established by the decision (File B-166506-7/2/74) of the Comptroller General of the United States.

2. Existing grants falling in the category in question shall be amended by supplemental conditions stipulating that the ad valorem tax base shall not be used in the development of the user charge system applicable to the project. The grantee should be advised that acceptance of the supplemental condition to the grant must be executed within 30 days of receipt or action will be initiated to withdraw the Federal assistance to the project in the form of the existing grant.

It may be anticipated that in certain cases the grantee may initiate legal action to preclude withdrawal or deobligation of existing grants. It is requested that you keep this office advised as to anticipated courses of action that may be proposed by the communities affected as they become known.

Concurrent with the above and in addition thereto, the Administrator will initiate steps to obtain legislative relief.

PROGRAM REQUIREMENT MEMORANDUM PRM 75-21

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 16 1974

PROGRAM GUIDANCE MEMORANDUM
PG-41

SUBJECT: Overruns, Reserves and Priority Lists

FROM: Harold P. Cahill, Jr., Director
Municipal Construction Division (WH-447

Harold P Cahill

TO: Regional Administrators
ATTN: Air and Water Program Directors

As a result of rapidly escalating "construction" costs, projects in some States are experiencing overruns, the totals of which are exceeding the amounts set aside in the States' reserves. Questions have been raised regarding the States options when this situation occurs.

Provision for a reserve (for overruns) was incorporated into the regulations because it was generally agreed that projects under construction or about to undergo construction, should not be delayed for funding reasons. EPA would be in an indefensible position if, after diligently processing a project through its many stages of review and approval, at the point of construction initiation or during construction, it did not provide sufficient funds to complete the project. Therefore, from a management viewpoint, once a project is approved for a grant offer, its priority for funding is of the highest order.

Accordingly, and again, every effort must be made prior to the award of a grant offer to establish the most current estimated eligible project cost. When overruns do occur, and sufficient funds are lacking in the reserve to approve the required grant increases, the State may:

1. Use funds from the succeeding year's allotment or,
2. If the succeeding years allotment has not been allocated, defer projects on the lowest end of the fundable portion of the priority list to the succeeding year in sufficient numbers to free up funds for the overruns and/or
3. Negotiate with the grantees experiencing excessive bid costs the possible segmenting of their projects to permit the initiation of more projects within the funding range of the priority list.

Should the State pursue option "2" above, the deferred projects would automatically be placed at the head of the succeeding year's priority list.

Options "1" and "2" may be accomplished by means of a written agreement between the Regional Administrator and the State.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 1 8 1974

PROGRAM REQUIREMENTS MEMORANDUM PRM 75-22
Program Guidance Memorandum
PG- 43

MEMORANDUM

Subject: Policy Re Retention of Payments

From: Harold P. Cahill, Director
Municipal Construction Division (WH-447)

Harold P Cahill

To: Regional Administrators

It is EPA policy to optimize the amount and timing of payment for work performed under Step 3 construction grants and to minimize retention of amounts otherwise due; see 40 CFR §§30.602-1 and 35.945. Due to the strained capital and cash-flow positions of contractors, material suppliers, and equipment manufacturers in the wastewater treatment construction industry contractors are borrowing funds at high interest rates due to slow payment for work performed and subsequently pass this interest cost along in their bids. EPA must take all possible appropriate actions to maintain liquidity and optimum cash flow in the industry insofar as EPA grant payments are concerned, and more importantly, to protect the Government from these "pass-through" costs the contractors are adding to their bids.

(1) To facilitate this policy, bid and contract documents for Step 3 construction work must make provision for timely periodic payments, and for limiting retainage to the following:

(a) retention of up to 10% of the payment claimed until construction is 50% complete;

(b) after construction is 50% complete, reduction of the retainage to 5% of the payment claimed, provided that the contractor is making satisfactory progress and there is no specific cause for greater withholding;

(c) when the project is substantially complete (operational or beneficial occupancy), the retained amount shall be further reduced below 5% to only that amount necessary to assure completion;

(d) the grantee will accept a cash bond or irrevocable letter of credit if offered in lieu of cash retainage under (b), and will accept a cash bond or irrevocable letter of credit if offered in lieu of cash retainage under (c).

(2) (a) The foregoing policy shall be implemented with respect to all Step 3 projects for which plans and specifications are approved after November 30, 1974. Appropriate provision to assure compliance with this policy must be included in the bid documents (see para. 8, below) for such projects initially or by addendum prior to the bid submission date, and as a special condition (see para. 7, below) in the grant agreement or in a grant amendment.

(b) For all previous active projects, the foregoing policy shall be implemented by EPA (through grant amendment - see para. 7, below) and the grantee (through contract amendment - see para. 8 below) upon written request to the grantee by the contractor.

(3) This payment retention policy will not alter any right of the grantee under its contract or the right of this agency pursuant to regulation or the grant agreement to withhold larger amounts where there is specific necessity and right to do so. The maximum amount of EPA retention (10% of the grant amount - see 40 CFR §30.602-1) shall be utilized only in exceptional cases; retention should always be limited only to that amount necessary to assure compliance with a specific provision of EPA regulations or the grant agreement - except where non-payment of greater amounts is specifically provided for in EPA regulations, for example, to obtain compliance with 40 CFR §§35.935-12(c), 35.935-13(a), or 35.935-16.

(4) Payment of the Federal share should be made to grantees only for amounts which the grantee is currently obligated to pay. For example, where a grantee is entitled to retain 5% of the amount of a voucher, payment should be made by EPA only for the Federal share of the vouchered amount less the amount of the retainage. The retained amount should be included on a later voucher from the grantee at the time that the grantee becomes obligated to actually pay the retained amount.

(5) The grantee must make payment to its contractor promptly after receipt of the Federal payment. In cases where the grantee unjustifiably withholds payment to the contractor of Federal sums paid to the grantee, the grantee must account for and credit to the Federal Government all interest earned during the period of unjustifiable retention, in accordance with 40 CFR §30.603.

(6) The foregoing policy will not apply to the extent that it may be prohibited by any specific requirement of State or local laws or ordinances.

(7) The following clause shall be inserted as a special condition in all Step 3 grants awarded after November 30, 1974, and by grant amendment in all previously awarded Step 3 grants covered by the provisions of either subparagraph (a) or (b) of paragraph (2) above:

> "Prompt Payment. The grantee agrees to make payment to its contractor promptly after receipt of Federal sums due under this grant and to retain only such amounts as may be justified by specific circumstances and provisions of this grant or the construction contract.
>
> "Retained amounts shall be limited, except where greater retention is necessary under specific circumstances specifically provided for in the construction contract, to the following schedule:
>
> (a) retention of up to 10% of payments claimed until construction is 50% complete;
>
> (b) after construction is 50% complete, reduction of the total retainage to 5% of payments claimed, provided that the contractor is making satisfactory progress and there is no specific cause for greater withholding;
>
> (c) when the project is substantially complete (operational or beneficial occupancy), the retained amount shall be further reduced below 5% to only that amount necessary to assure completion of the contract work.
>
> (d) a cash bond or irrevocable letter of credit may be accepted in lieu of all or part of the cash retainage under (b) or (c), above.
>
> "The grantee agrees to report to the Project Officer and promptly credit to the Federal share due under this grant the full amount of any interest earned, or, if no such interest is earned, an imputed amount of interest at the prevailing rate, upon Federal sums paid to the grantee, if payment to the contractor is unjustifiably delayed by the grantee, its employees or representatives.
>
> "The grantee agrees to include appropriate provision in each Step 3 construction contract to implement this prompt payment requirement."

(8) In implementation of this policy affected grantees must include in each Step 3 construction contract, or must amend each such affected construction contract to include, Article 19 entitled "Payments to Contractor" at pages 16 and 17 of the model contract documents sent to you with PG-17, dated May 17, 1973, or a substantially equivalent provision.

(9) In implementation of this policy, EPA personnel must make every effort to insure that grantees' payment requests are paid as promptly as possible, generally well before the 20-day deadline established in 40 CFR §35.945(b). The Project Officer should receive and review each request for payment, but approval of the requested payment should be routinely approved without detailed review of the payment request unless the Project Officer has specific cause to delay or limit payment. Payment will not be delayed beyond the 20th day after receipt of the request for payment, unless substantial error or fraud is detected. Any retention of amounts requested shall be in conformance with the policy and procedures set forth in applicable regulations, the grant agreement, or this memorandum. The Project Officer is responsible, however, for periodically reviewing in detail prior requests for payment and making appropriate adjustments on the next payment request, pursuant to 40 CFR §35.945(c), but this review should not be made in conjunction with a particular request for payment if the effect of such review at that time will be to delay the payment.

(10) Grantees should be encouraged to make payment requests on a monthly, rather than quarterly, basis, to the maximum practical extent.

Please advise this office of any suggestions for improvement or difficulties encountered in the implementation of this memorandum. The key aspects of this memorandum will be incorporated in the construction grant regulations at a later date.

PROGRAM REQUIREMENT MEMORANDUM PRM 75-23
Program Guidance Memorandum
PG-44

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

SUBJECT: Escalation Clauses in Construction Grant Projects **DATE:** Dec. 9, 1974

signed

FROM: John T. Rhett, Deputy Assistant Administrator
for Water Program Operations (WH-446)

TO: Regional Administrators

On several occasions, the Agency has received requests to authorize so-called escalation clauses in construction contracts for wastewater treatment facilities to be awarded by grantees under the provisions of PL 92-500.

Because of the open-ended funding situation created, the probability of the creation of additionally inflated prices, the added real costs of administering the indexing provisions that would be required, and the absence of any real proof of total program cost savings, Federal Agencies have resisted the inclusion of escalation clauses in construction contracts.

Accordingly, grantees will continue to be advised that the Environmental Protection Agency will not provide grant assistance to construction projects for which the grantee proposes to utilize escalation clauses.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN [illegible]

PROGRAM REQUIREMENT MEMORANDUM PRM 75-24
PROGRAM GUIDANCE MEMORANDUM
PG NO. 46

SUBJECT: Large City Problem in State Priority Lists

FROM: Harold P. Cahill, Jr., Director
Municipal Construction Division WH-[illegible]

Harold P Cahill

TO: Regional Administrators
Attn: Water Division Directors

Forwarded for information is the General Counsel legal opinion, dated December 13, 1974, which discusses the relationships between population and other factors in the composition of a priority list, especially in regard to large metropolitan areas.

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

RECEIVED
DEC 13
OFFICE OF
ENFORCEMENT AND GENERAL COUNSEL

DEC 13 1974

MEMORANDUM

Subject: Large City Problem in State Priority Lists

From: Alan G. Kirk II
Assistant Administrator for
Enforcement and General Counsel (EG-329)

To: James L. Agee
Assistant Administrator for
Water and Hazardous Materials (WH-556)

A question has been raised as to what control EPA has to prevent large cities, such as Omaha or Honolulu, from using all or almost all available construction grant funds allocable to a State.

Section 204(a) of the FWPCA requires that the Administrator determine, before awarding any grant for any project, that the project has been "certified by the appropriate State water pollution control agency as entitled to priority over such other works in the State in accordance with any applicable State plan under section 303(e) of this Act." (Section 303(e) relates to a State's obligation with regard to continuing planning).

EPA has promulgated regulations concerning criteria for the preparation by States of its priority lists. These criteria are found at 40 C.F.R. §35.915. Subparagraph (c)(1) of that section states that the State "shall consider the severity of pollution problems, the population affected, the need for preservation of high quality waters, and national priorities..." It is our view that the Administrator may not approve a priority list which does not consider and weigh properly the above criteria so as to produce a priority list which reasonably reflects the needs of the State. Further, the criteria should preclude population alone from controlling a priority list.

Where construction needs of a large metropolitan area impinge unduly upon available funds, consideration should be given to funding only those "segments" of construction which are necessary to insure that construction may proceed in accordance with appropriate priorities.

Interim 208 Outputs

Headquarters is issuing a separate policy statement to require interim outputs during the 208 planning process. These interim 208 outputs would include definition of planning and service areas and treatment levels to guide facilities planning.

After interim outputs are developed and approved by the state and EPA for a 208 planning area, the relationship between 201 and 208 planning in that area will be the same as that described under the section on "coordination and funding" above except that:

1. New facilities planning will be consistent with the approved interim outputs of the 208 plan.

2. The scope and funding of new 201 planning should not extend to developing a justification for the interim outputs. This justification already will be available from the 208 planning process.

Approved 208 Plan

The following will be the policy after the areawide plan has been completed and approved, and the agency or agencies identified to construct, operate and maintain the municipal wastewater treatment facilities required by the plan:

1. All facilities plans underway at the time of approval will be completed by the agency which received the Step 1 grant. The planning effort will continue as before approval unless the analysis in the approved 208 plan clearly justifies a change in required treatment levels or alternative approach on the basis of lower costs or major changes in environmental impacts.

2. The scope and funding of new facilities planning starts will be sufficient to supplement the data and analysis in the 208 plan to the extent necessary to provide a complete facilities plan as required by Section 35.917 of the Title II regulations.

3. New grants for 201 plans will be made to the management agencies designated in the approved 208 plan. New facilities planning will be consistent with the approved 208 plan.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

PROGRAM REQUIREMENT MEMORANDUM PRM 75-
Program Guidance Memorandum
PG-50

JUN 6 1975

OFFICE OF THE
ADMINISTRATOR

SUBJECT: Consideration of Secondary Environmental Effects in the Construction Grants Process

FROM: Russell E. Train
Administrator (A-100)

Russell E. Train

TO: Regional Administrators
Regions I - X

Purpose

This policy statement provides guidance on consideration of secondary environmental effects during review of plans to construct publicly-owned treatment works with Federal grants under Title II of the Federal Water Pollution Control Act as amended.

Background

Municipalities are required when planning for construction of publicly-owned treatment works to evaluate the environmental impacts of the construction and subsequent operation of the treatment works and prepare an environmental assessment. The Agency reviews the environmental assessment along with the rest of the facility plan and ultimately either issues a negative declaration or, if the project is anticipated to have significant adverse primary or secondary environmental effects or to be highly controversial, prepares an environmental impact statement.

Primary effects are those directly related to construction and operation of the project. Secondary effects of a project are (1) indirect or induced changes in population and economic growth and land use, and (2) other environmental effects resulting from these changes in land use, population, and economic growth. Secondary effects can be of great importance to the environment but normally are much more difficult to predict in advance than primary effects.

This guidance is aimed at assuring that secondary effects of a project are analyzed and taken into account during the grants process in comparable manner throughout the ten regions.

Evaluation of Secondary Effects

The policy of the Agency is that environmental assessments and environmental impact statements shall analyze secondary as well as primary environmental effects, and shall indicate whether such effects may

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

PROGRAM REQUIREMENTS MEMORANDUM PRM NO. 75-25
Program Guidance Memorandum PG-49

SUBJECT: Eligibility of Land Acquisition Costs for Land Treatment Processes

FROM: John T. Rhett, Deputy Assistant Administrator for Water Program Operations (WH-446) John T Rhett

TO: Regional Administrators
ATTN: Water Program Division Directors

This memorandum provides guidance on the interpretation of Section 35.940.3 of the construction grant regulations (40 CFR Part 35) relative to the eligibility of the cost of land that will be an integral part of the treatment process. A later Program Guidance Memorandum will provide guidance on the eligibility of the cost of land for the ultimate disposal of residues.

The cost of land which is an integral part of the treatment process in a system for land treatment of liquid effluents is eligible for Federal grant assistance. Land treatment includes the use of overland flow, rapid infiltration/percolation, or crop irrigation processes. The effluent can be applied to the land by spray irrigation, flood irrigation or ridge and furrow irrigation. The land treatment system shall not have a commonly used outlet or discharge point prior to land treatment.

The cost of land for irregularities in spray patterns, reasonable buffering, berms, dikes, and for similar uses is eligible. While not exclusive, the cost of land for the following uses is not eligible:

1. Sites for placement of buildings, equipment, components, facilities, interceptors or sewage collection systems.

2. Evaporation ponds, waste stabilization lagoons, equalization ponds and ponds for the temporary storage of effluents, treatment by-products, or residues and sludge drying beds.

The facility plan for the land treatment system must include a cost-effectiveness analysis of alternative land treatment sites, as well as alternative technologies.

Grant award or written EPA approval shall be obtained prior to any acquisition of such land in order that such costs will be allowable. The procedures for the independent appraisal and acquisition of land contained in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (P.L. 91-646) 42 USC Section 4651 et seq. shall be followed. The EPA Regulation implementing this statutory requirement is contained in Subpart F of Part 4 of Title 40 of the CFR, 40 CFR Section 4.6000 et seq.

The grantee shall certify to the Regional Administrator that it will comply with 40 CFR Section 30.810 and specifically Section 30.810-4 and Section 30.810-5. The certification will be reflected as an encumbrance in the title to the land. The grantee shall obtain fee simple title to all land acquired with grant assistance, with no encumbrances other than the one protecting the Federal interest.

The above criteria relate solely to the issue of eligibility of land acquisition costs for EPA grant assistance,but are not determinative of actual funding decisions on individual land acquisitions, since the application of statutorily required criteria regarding environmental impact, cost-effectiveness, alternative technologies, available funding, relocation assistance, and other factors may result in a denial of EPA grant assistance for land acquisitions which would otherwise be eligible under the above.

PROGRAM REQUIREMENTS MEMORANDUM PRM NO. 75-27

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Program Guidance Memo # 52
(INTERIM POLICY)

SUBJECT: Field Surveys to Identify Cultural Resources Affected by EPA Construction Grants Projects

DATE: JUL 2 1975

FROM: John T. Rhett, Deputy Assistant Administrator for Water Program Operations (WH-446) John T Rhett

Sheldon Meyers, Director
Office of Federal Activities (A-104) Sheldon Meyers

TO: Regional Administrators
Regions I - X

PURPOSE

This memorandum sets forth Agency policy to guide decisions in the EPA Title II construction grants program on field surveys for the purpose of identifying historical, architectural, archaeological and cultural resources (hereafter referred to as "cultural resources") in accordance with the "Procedures for the Protection of Historic and Cultural Properties" (36 C.F.R. Part 800.4(a)) issued by the Advisory Council on Historic Preservation.

BACKGROUND

Section 106 of the National Historic Preservation Act of 1966 and Executive Order 11593 impose responsibilities on Federal agencies to consider the effects of Federal, Federally assisted, and Federally licensed undertakings on properties included or eligible for inclusion in the National Register of Historic Places and to afford the Advisory Council on Historic Preservation an opportunity to comment on such undertakings. The Advisory Council has issued "Procedures for the Protection of Historic and Cultural Properties" (36 C.F.R. Part 800) to guide agencies in meeting their responsibilities under the Act and the Executive Order.

Several Regions have raised questions about EPA's specific responsibilities for historic preservation within the Grants program. The central issue is as follows: What are EPA's responsibilities for conducting field surveys to identify cultural resources under the procedures of the Advisory Council on Historic Preservation (30 C.F.R. Part 800.4(a))?

POLICY

Responsibility to Conduct Field Surveys in Areas of Primary Effects Only

EPA has the responsibility to conduct field surveys to identify cultural resources that may be affected by wastewater treatment grant projects only in the primary impact areas of the grant projects. Primary impact areas are those where ground will be disturbed for the project, such as the plant site, pumping station sites, access roads, and rights of way for interceptors.

Areas in which the wastewater treatment facilities will have direct visual, odor, or aerosol effects may also be primary impact areas if they are likely to contain cultural properties of a type which are susceptible to such impacts and if the proposed project has been designed so as to be exposed to view or will emit odors or aerosols.

Use Standard of Probability

In areas where there are likely to be primary effects on cultural resources, EPA must identify all properties listed in the National Register of Historic Places by consulting the latest issue of the National Register, including monthly supplements. The current compilation is found in the Federal Register of February 4, 1975 (Federal Register, Vol. 40, No. 24, pp. 5248 - 5345); supplements are published in the Federal Register, usually on the first Tuesday of each month.

EPA must also identify all properties eligible for listing in the National Register within the primary impact area. To do this, EPA shall consult with the State Historic Preservation Officer (SHPO) to determine the extent and adequacy of existing information.

If existing information is insufficient to identify affected properties that may be eligible for the National Register, EPA shall conduct or fund cultural resources surveys at a level adequate to do so. EPA's responsibility to conduct or fund such surveys on primary impact areas shall be limited by the following standard: The extent of survey activities should be based on the degree of probability with which cultural resources can be expected to be found.

Intensive surveys should be conducted only when a sufficient amount of information exists to indicate that there is a reasonably high probability of discovering important cultural resources. In areas where such information does not exist, some or all of the following usually will suffice to determine whether an intensive survey is justified: a documentary search of reference materials on the cultural resources of the area, a walk-over reconnaissance survey for archaeological properties, and a "windshield" or photographic survey of historic and architectural properties.

When necessary, intensive surveys may include ground testing for archaeological resources, or the preparation of a comprehensive map locating historical and architectural resources. The information obtained from any identification activities conducted shall provide the basis for determinations of eligibility for listing in the National Register in accordance with Part 800.4(a) of the Advisory Council procedures.

Determine Eligibility of Survey Costs Case-by-Case

The decisions as to what are reasonable survey activities and costs should be made on a case-by-case basis applying the standard of probability described above. Reasonable costs for surveys and other identification activities are to be considered grant eligible. Early assessment of survey needs should be undertaken to avoid project delays. Many survey decisions will require some degree of historical or archaeological expertise in order to weigh the probabilities of discovering particular properties. Regional personnel may find it advantageous to retain the services of a historian or an archaeologist if they anticipate numerous problems in this area.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

CT: Flood Insurance Requirements Effective
July 1, 1975

PROGRAM REQUIREMENTS MEMORANDUM PRM NO. 75-28
Program Guidance Memorandum PG-54

FROM: Alvin L. Alm
Assistant Administrator for Planning and Management (PM-208) AA

JUL 6 1975

TO: Regional Administrators

Enclosed you will find an advance copy of a revised information sheet relating to flood insurance purchase requirements for our grant programs. The legal requirements are also found in the final general grant regulations published on May 8 (40 CFR 30.405-10).

Effective July 1, 1975 (or one year after a community's notification of identification as a flood-prone community, whichever is later), EPA is prohibited by law from making any grant for acquisition or construction purposes in a flood hazard area unless the community in which the project is located is participating in the flood insurance program and flood insurance is purchased by the grantee.

The list of communities to which this prohibition applies on July 1, 1975, has just been published by HUD in the Federal Register (40 FR 26740-26756). I am enclosing a copy of this list for your information and use. The list will be regularly updated by notice in the Federal Register as other communities pass the one year mark.

EPA Regional Offices have been receiving copies of HUD's monthly listings of areas eligible for the purchase of flood insurance and areas which have had special flood hazard areas identified but which are not participating in the program. Regional offices have also been receiving copies of the maps issued by HUD delineating the flood hazard areas. Procedures should be immediately instituted to ensure that no grants are made in violation of the statutory requirement.

If not already done, an individual should be designated in your office to be familiar with the flood insurance requirements and to handle questions which may arise from time to time from your own staff, as well as from grant applicants and grantees. Questions which you may wish to direct to headquarters on this subject should be addressed to the Director, Grants Administration Division (PM-216), 202-755-0860.

Enclosures

DRAFT

The final EPA general grant regulations published on the Federal Register on May 8, 1974, include the requirements for the purchase of flood insurance as a condition of EPA assistance (40 CFR 0.405-10.)

EPA Grantee Requirements

1. Wastewater treatment construction grants.

The grantee or the construction contractor, as appropriate, must acquire flood insurance made available to it under the National Flood Insurance Act of 1968, as amended, beginning with the period of construction and maintain such insurance for the entire useful life of the project if the total value of insurable improvements is $10,000 or more. The amount of insurance required is the total project cost, excluding facilities which are uninsurable under the National Flood Insurance Program and excluding the cost of the land, or the maximum limit of coverage made available to the grantee under the National Flood Insurance Act, whichever is less. The required insurance premium for the period of construction is an allowable project cost.

2. Other grant programs.

The grantee must acquire and maintain any flood insurance made available to it under the National Flood Insurance Act of 1968, as amended, if the approved project includes (a) any incidental construction-type activity, or (b) any acquisition of real or nonexpendable personal property, and the total cost of such activities and acquisitions is $10,000 or more. The amount of insurance required is the total cost of any insurable, nonexpendable personal or real property acquired, improved, or constructed, excluding the cost of land, as a direct cost under the grant, or the maximum limit of coverage made available to the grantee under the National Flood Insurance Act, as amended, whichever is less, for the entire useful life of the property. The required insurance premium for the period of project support is an allowable project cost.

If EPA provides financial assistance for nonexpendable personal property to a grantee that the Agency has previously assisted with respect to real estate at the same facility in the same location, EPA must require flood insurance on the previously-assisted building as well as on the personal property. The amount of flood insurance required on the building should be based upon its current value, however, and not on the amount of assistance previously provided.

Sources of insurance policies, maps, and program information

1. Insurance policies under the National Flood Insurance Program can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association (NFIA) servicing company for the State. A current listing of servicing companies is enclosed.

2. Flood Hazard Boundary Maps are the first maps prepared in the identification process. These indicate the locations of identified special flood hazard areas and are always maintained on file within each eligible (participating) community in a repository designated by the mayor or chief executive officer, usually the building inspector's office or the city clerk's office. The address of such repository is published at 24 CFR 1914 and is amended regularly in the Federal Register. The Flood Insurance Rate Maps are issued later following a detailed study of the flood hazard area. These maps delineate degrees of flood hazard and include more precise area identification.

3. Maps, literature, and policy application forms and manuals are available for distribution from any NFIA servicing company. The servicing companies are also equipped to answer questions on eligibility of communities, scope of coverage, and maximum amounts of insurance available with respect to particular types of buildings.

4. Questions that cannot be answered by individual agents or brokers or by the appropriate servicing company may be referred to the National Flood Insurers Association, 1755 Jefferson Davis Highway, Alexandria, Va., 22202, telephone 703-920-2070; to the flood insurance representative at the nearest HUD regional office (list enclosed); or to the Federal Insurance Administration, HUD, Washington, D.C. 20410, 202-755-5581, or toll free 800-424-8872 (8873).

5. Communities may obtain assistance from the appropriate State Coordinating Agency in adopting the required flood plain management regulations and qualifying for the program. A list of the State Coordinating Agencies is also attached.

6. Copies of statutes, program regulations, and community eligibility application forms may be obtained from HUD regional offices or directly from the Federal Insurance Administration in Washington, D. C.

DRAFT

July 1, 1975
(supersedes information sheet dated
August 8, 1974)

Additional copies of this information sheet may be obtained from the Grants Information Branch.

Department of Housing And Urban Development
REGIONAL FLOOD INSURANCE SPECIALISTS

REGION I
John F. Kennedy Federal Building
Room 405A
Boston, Massachusetts 02203
Telephone: (617) 223-2616 or 2709
(For Connecticut, Maine, Massachusetts,
New Hampshire, Rhode Island, Vermont)

REGION II
26 Federal Plaza
New York, New York 10007
Telephone: (212) 264-4756 or 8021
(For New Jersey, New York,
Puerto Rico)

REGION III
Curtis Building
Sixth and Walnut Streets
Philadelphia, Pennsylvania 19106
Telephone: (215) 597-9581
(For Delaware, District of Columbia,
Maryland, Pennsylvania, Virginia,
West Virginia)

REGION IV
1371 Peachtree Street, N.E.
Atlanta, Georgia 30309
Telephone: (404) 526-2391
(For Alabama, Florida, Georgia,
Kentucky, Mississippi, North
Carolina, South Carolina, Tennessee)

REGION V
300 South Wacker Drive
Chicago, Illinois 60606
Telephone: (312) 353-0757
(For Illinois, Indiana, Michigan,
Minnesota, Ohio, Wisconsin)

REGION VI
New Federal Building
1100 Commerce Street
Dallas, Texas 75202
Telephone: (214) 749-7412
(For Arkansas, Louisiana, New
Mexico, Oklahoma, Texas)

REGION VII
Federal Office Building
911 Walnut Street
Kansas City, Missouri 64106
Telephone: (816) 374-2161
(For Iowa, Kansas, Missouri,
Nebraska)

REGION VIII
Federal Building
1961 Stout Street
Denver, Colorado 80202
Telephone: (303) 837-2347
(For Colorado, Montana, North
Dakota, South Dakota, Utah,
Wyoming)

REGION IX
450 Golden-Gate Avenue
P. O. Box 36003
San Francisco, California 94102
Telephone: pending
(For Arizona, California, Hawaii,
Nevada)

REGION X
Room 3068 Arcade Plaza Building
1321 Second Avenue
Seattle, Washington 98101
Telephone: (206) 442-1026
(For Alaska, Idaho, Oregon,
Washington)

ALABAMA
Alabama Development Office
ffice of State Planning
ate Office Building
1 Dexter Avenue
ontgomery, Alabama 36104

ALASKA
Department of Community and
Regional Affairs
Division of Community Planning
Pouch B
Juneau, Alaska 99811

ARIZONA
Arizona State Land Department
1624 W. Adams, Room 400
Phoenix, Arizona 85007

ARKANSAS
Division of Soil and Water
Resources
State Department of Commerce
1920 West Capitol Avenue
Little Rock, Arkansas 72201

CALIFORNIA
Department of Water Resources
st Office Box 388
acramento, California 95802

COLORADO
Colorado Water Conservation Board
Room 102
1845 Sherman Street
Denver, Colorado 80203

CONNECTICUT
Department of Environmental
Protection
Division of Water and Related
Resources
Room 207, State Office Building
Hartford, Connecticut 06115

DELAWARE
Division of Soil and Water
Conservation
Department of Natural Resources
and Environmental Control
Tatnall Building, Capitol
Dover, Delaware 19901

FLORIDA
Department of Community Affairs
2571 Executive Center Circle East
Howard Building
Tallahassee, Florida 32301

GEORGIA
Department of Natural Resources
Office of Planning and Research
270 Washington Street, S. W. Rm. 707
Atlanta, Georgia 30334

HAWAII
Division of Water and Land
Development
Department of Land and Natural
Resources
P. O. Box 373
Honolulu, Hawaii 96809

IDAHO
Department of Water Administration
State House - Annex 2
Boise, Idaho 83707

ILLINOIS
Governor's Task Force on Flood
Control
300 North State St.
P. O. Box 475, Rm. 1010
Chicago, Illinois 60610

INDIANA
Division of Water
Department of Natural Resources
608 State Office Building
Indianapolis, Indiana 46204

IOWA
Iowa Natural Resources Council
James W. Grimes Building
Des Moines, Iowa 50319

KANSAS
Division of Water Resources
State Department of Agriculture
State Office Building
Topeka, Kansas 66612

KENTUCKY
Division of Water
Kentucky Department of Natural
Resources
Capitol Plaza Office Tower
Frankfort, Kentucky 40601

LOUISIANA
State Department of Public Works
O. Box 44155
apitol Station
Baton Rouge, Louisiana 70804

MAINE
Office of Civil Emergency
Preparedness
State House
Augusta, Maine 04330

MARYLAND
Department of Natural Resources
Water Resources Division
State Office Building
Annapolis, Maryland 21401

MASSACHUSETTS
Division of Water Resources
Water Resources Commission
State Office Building
100 Cambridge Street
Boston, Massachusetts 02202

MICHIGAN
Water Resources Commission
reau of Water Management
tevens T. Mason Building
Lansing, Michigan 48926

MINNESOTA
Division of Waters, Soils and
Minerals
Department of Natural Resources
Centennial Office Building
St. Paul, Minnesota 55101

MISSISSIPPI
Mississippi Research and Development Center
P. O. Drawer 2470
Jackson, Mississippi 39205

MISSOURI
Department of Natural Resources
Division of Program and Policy
Development
State of Missouri
308 East High Street
Jefferson, Missouri 65101

MONTANA
Montana Dept. of Natural Resources
and Conservation
Water Resources Division
32 South Ewing Street
Helena, Montana 59601

NEBRASKA
Nebraska Natural Resources
Commission
Terminal Building, 7th Floor
Lincoln, Nebraska 68508

NEVADA
Division of Water Resources
Department of Conservation
and Natural Resources
Nye Building
Carson City, Nevada 89701

NEW HAMPSHIRE
Office of Comprehensive Planning
Division of Community Planning
State House Annex
Concord, New Hampshire 03301

NEW JERSEY
Bureau of Water Control
Department of Environmental
Protection
P. O. Box 1390
Trenton, New Jersey 08625

NEW MEXICO
State Engineer's Office
Bataan Memorial Building
Santa Fe, New Mexico 87501

NEW YORK
New York State Department of
Environmental Conservation
Division of Resources Management
Services
Bureau of Water Management
Albany, New York 12201

NORTH CAROLINA
Division of Community Assistance
Department of Natural &
Economic Resources
P. O. Box 27687
Raleigh, North Carolina 27611

NORTH DAKOTA
State Water Commission
State Office Building
00 E. Boulevard
Bismarck, North Dakota 58501

OHIO
Ohio Dept. of Natural Resources
Flood Insurance Coor. Building
Fountain Square
Columbus, Ohio 43224

OKLAHOMA
Oklahoma Water Resources Board
2241 Northwest Fortieth Street
Oklahoma City, Oklahoma 73112

OREGON
Executive Department
State of Oregon
Salem, Oregon 97310

PENNSYLVANIA
Department of Community Affairs
Commonwealth of Pennsylvania
Harrisburg, Pennsylvania 17120

UERTO RICO
uerto Rico Planning Board
1570 Ponce de Leon Avenue
Stop 22
Santurce, Puerto Rico 00908

RHODE ISLAND
R. I. Statewide Planning Program
265 Melrose Street
Providence, Rhode Island 02907

SOUTH CAROLINA
South Carolina Water Resources
Commission
P. O. Box 4515
Columbia, South Carolina 29240

SOUTH DAKOTA
State Planning Bureau
Office of Executive Management
State Capitol
Pierre, South Dakota 57501

TENNESSEE
Tennessee State Planning Office
660 Capitol Hill Building
Nashville, Tennessee 37219

TEXAS
Texas Water Development Board
P. O. Box 13087
Capitol Station
Austin, Texas 78711

UTAH
Department of Natural Resources
Division of Water Resources
State Capitol Building, Rm. 435
Salt Lake City, Utah 84114

VERMONT
Management & Engineering Division
Water Resources Department
State Office Building
Montpellier, Vermont 05602

VIRGINIA
Bureau of Water Control
Management
State Water Control Board
Post Office Box 11143
Richmond, Virginia 23230

WASHINGTON
Department of Ecology
Olympia, Washington 98501

WEST VIRGINIA
Office of Federal-State Relations
Division of Planning & Development
Capitol Building, Rm. 150
Charleston, West Virginia 25305

WISCONSIN
Department of Natural Resources
P. O. Box 450
Madison, Wisconsin 53701

WYOMING
Wyoming Disaster and Civil
Defense Agency
P. O. Box 1709
Cheyenne, Wyoming 82001

National Flood Insurance Program
List of Servicing Company Offices
March 1, 1975

ALABAMA
The Hartford Insurance Group
Hartford Building
100 Edgewood Avenue
Atlanta, Georgia 30301
Phone: (404) 521-2059

ALASKA
Industrial Indemnity Co. of Alaska
P. O. Box 307
Anchorage, Alaska 99510
Phone: (907) 279-9441

ARIZONA
Aetna Technical Services Inc.
Suite 901
3003 North Central Avenue
Phoenix, Arizona 85012
Phone: (602) 264-2621

ARKANSAS
The Travelers Indemnity Company
700 South University
Little Rock, Arkansas 72203
P. O. Box 51
Phone: (501) 664-5085

CALIFORNIA-NORTHERN
Fireman's Fund American Insurance
Companies
P. O. Box 3136
San Francisco, California 94119
Phone: (415) 421-1676

CALIFORNIA-SOUTHERN
Fireman's Fund American Insurance
Companies
P. O. Box 2323
Los Angeles, California 90051
Phone: (213) 381-3141

COLORADO
CNA Insurance
1660 Lincoln-Suite 1800
Denver, Colorado 80203
Phone: (303) 266-0561

CONNECTICUT
Aetna Insurance Company
P. O. Box 1779
Hartford, Connecticut 06101
Phone: (203) 523-4861

DELAWARE
General Accident F & L Assurance
Corp. Ltd.
414 Walnut Street
Philadelphia, Pennsylvania 19106
Phone: (215) 238-5000

FLORIDA
The Travelers Indemnity Company
1516 East Colonial Drive
Orlando, Florida 32803
Phone: (305) 896-2001

GEORGIA
The Hartford Insurance Group
Hartford Building
100 Edgewood Avenue
Atlanta, Georgia 30301
Phone: (404) 521-2059

HAWAII
First Insurance Co. of Hawaii, Ltd.
P. O. Box 2866
Honolulu, Hawaii 96803
Phone: (808) 548-511

IDAHO
Aid Insurance Company
Snake River Division
1845 Federal Way
Boise, Idaho 83701
Phone: (208) 343-4931

ILLINOIS
State Farm Fire & Casualty Co.
Illinois Regional Office
2309 E. Oakland Avenue
Bloomington, Illinois 61701
Phone: (309) 557-7211

INDIANA
United Farm Bureau Mutual Insurance C
130 East Washington Street
Indianapolis, Indiana 46204
Phone: (317) 263-7200

IOWA
Employers Mutual Casualty Company
P. O. Box 884
Des Moines, Iowa 50304
Phone: (515) 280-2511

KANSAS
Royal-Globe Insurance Companies
1125 Grand Avenue
Kansas City, Missouri 64141
Phone: (816) 842-6116

KENTUCKY
CNA Insurance
580 Walnut Street
Cincinnati, Ohio 45202
Phone: (513) 621-7107

LOUISIANA
Aetna Technical Services, Inc.
P. O. Box 61003
New Orleans, Louisiana 70160
Phone: (504) 821-1511

MAINE
Commercial Union Insurance Company
c/o Campbell, Payson & Noyes
27 Pearl St., Box 527 Pearl St. Station
Portland, Maine 04116
Phone: (207) 774-1431

MARYLAND
S. Fidelity & Guaranty Company
P. O. Box 1138
Baltimore, Maryland 21203
Phone: (301) 539-0380

MASSACHUSETTS-EASTERN
Commercial Union Insurance Company
1 Beacon Street
Boston, Massachusetts 02108
Phone: (617) 725-6128

MASSACHUSETTS-WESTERN
Aetna Insurance Company
P.O. Box 1779
Hartford, Connecticut 06101

MICHIGAN
Insurance Company of North America
Room 300-Buhl Building
Griswold & Congress Streets
Detroit, Michigan 48226
Phone: (313) 963-4114

MINNESOTA-EASTERN
The St. Paul Fire & Marine Insurance Company
P. O. Box 3470
St. Paul, Minnesota 55165
Phone: (612) 222-7751

MINNESOTA-WESTERN
The St. Paul Fire & Marine Insurance Company
7900 Xerxes Avenue South
Minneapolis, Minnesota 55431
Phone: (612) 835-2600

MISSISSIPPI
The Travelers Indemnity Company
5360 Interstate 55 North
P. O. Box 2361
Jackson, Mississippi 39205
Phone: (601) 956-5600

MISSOURI-EASTERN
MFA Insurance Companies
1817 West Broadway
Columbia, Missouri 65201
Phone: (314) 445-8441

MISSOURI-WESTERN
Royal-Globe Insurance Companies
1125 Grand Avenue
Kansas City, Missouri 64141
Phone: (816) 842-6116

MONTANA
The Home Insurance Company
8 Third Street N.-P.O. Box 1031
Great Falls, Montana 59401
Phone: (406) 761-8110

NEBRASKA
Royal-Globe Insurance Companies
1125 Grand Avenue
Kansas City, Missouri 64141
Phone: (816) 842-6116

NEVADA
The Hartford Insurance Group
P. O. Box 500
Reno, Nevada 89504
Phone: (702) 329-1061

NEW HAMPSHIRE
Commercial Union Insurance Company
1 Beacon Street
Boston, Massachusetts 02108
Phone: (617) 725-6128

NEW JERSEY
Great American Insurance Company
5 Dakota Drive
Lake Success, New York 11040
Phone: (201) 224-4200

NEW MEXICO
CNA Insurance
1660 Lincoln St., Suite 1800
Denver, Colorado 80203
Phone: (303) 266-0561

NEW YORK
Great American Insurance Company
5 Dakota Drive
Lake Success, New York 11040
Phone: (516) 775-6900

NORTH CAROLINA
Kemper Insurance
229 Greenwood Cliff
Charlotte, North Carolina 28204
Phone: (704) 372-7150

NORTH DAKOTA
The St. Paul Fire & Marine Insurance
Company
254 Hamm Building
408 St. Peter Street
St. Paul, Minnesota 55102
Phone: (612) 227-9581

OHIO-NORTHERN
Commercial Union Insurance Company
1300 East 9th St.
Cleveland, Ohio 44114
Phone: (216) 522-1060

OHIO-SOUTHERN
CNA Insurance
580 Walnut Street
Cincinnati, Ohio 45202
Phone: (513) 621-7107

OKLAHOMA
Republic-Vanguard Insurance Group
P. O. Box 3000
Dallas, Texas 75221
Phone: (214) 528-0301

OREGON
State Farm Fire & Casualty Company
4600 25th Avenue, N.E.
Salem, Oregon 97303
Phone: (503) 393-0101

PENNSYLVANIA
General Accident F & L Assurance
Corp., Ltd.
414 Walnut Street
Philadelphia, Pennsylvania 19106
Phone: (215) 238-5512

PUERTO RICO
I.S.O. of Puerto Rico
Penthouse 7th Ochoa Bldg.
7th floor, P.O. Box 1333
San Juan, Puerto Rico 00902
Phone: (809) 723-0000

RHODE ISLAND
American Universal Insurance Co.
144 Wayland Avenue
Providence, Rhode Island 02904
Phone: (401) 351-4600

SOUTH CAROLINA
Maryland Casualty Company
P. O. Box 11615
Charlotte, North Carolina 28209
Phone: (704) 525-8330

SOUTH DAKOTA
The St. Paul Fire & Marine Insurance Co.
254 Hamm Building
408 St. Peter Street
St. Paul, Minnesota 55102
Phone: (612) 227-9581

TENNESSEE
CNA Insurance
110-21st Avenue South
Nashville, Tennessee 37203
Phone: (615) 327-0061

TEXAS
The Home Insurance Company
2100 Travis Street
Houston, Texas 77002
Phone: (713) 225-0931

UTAH
CNA Insurance
1660 Lincoln St., Suite 1800
Denver, Colorado 80203
Phone: (303) 266-0561

VERMONT
Commercial Union Insurance Company
1 Beacon Street
Boston, Massachusetts 02108
Phone: (617) 725-6128

VIRGINIA
Insurance Company of North America
5225 Wisconsin Avenue, N.W:
Washington, D. C. 20015
Phone: (202) 244-2000

WASHINGTON
Fireman's Fund American Insurance Companies
1000 Plaza 600 Building
6th & Stewart
Seattle, Washington 98101
Phone: (206) 587-3200

WEST VIRGINIA
U. S. Fidelity & Guaranty Company
3324 McCorkle Avenue, S.E.
Charleston, West Virginia 25304
Phone: (304) 344-1692

WISCONSIN
Aetna Insurance Company
5735 East River Road
Chicago, Illinois 60631
Phone: (312) 693-2500

WYOMING
CNA Insurance
1660 Lincoln St., Suite 1800
Denver, Colorado 80203
Phone: (303) 266-0561

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[Docket No. N-73-376]

NATIONAL FLOOD INSURANCE PROGRAM

Flood-Prone Areas of Communities Subject to July 1, 1975; Prohibition of Federal and Federally Related Assistance

The purpose of this notice is to provide a list of communities that contain areas of special flood hazard potentially subject to the provisions of section 202 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) on July 1, 1975, and to provide a convenient reference for interested persons, communities, federal agencies and instrumentalities, and others involved in assuring compliance with that section.

Section 202 provides that effective July 1, 1975, federal agencies and federally supervised, approved, insured, or regulated lending institutions are prohibited from providing financial assistance or making loans for acquisition or construction purposes in areas which (a) have been designated by the Secretary of Housing and Urban Development as Special Flood Hazard Areas for at least one year; and (b) are in communities which are not participating in the National Flood Insurance Program (42 U.S.C. 4001-4128).

Each of the communities listed below received notice of its designation as flood-prone prior to July 1, 1974, and legal notice was furnished of such designation by publication under Part 1915 of Title 24 of the Code of Federal Regulations in the FEDERAL REGISTER. These communities have failed to provide the Federal Insurance Administrator with sufficient technical or scientific data to rebut their designation as flood prone. Thus, the sanctions of section 202 apply until the community participates in the program.

In order to continue federal or federally related assistance or lending in its Special Flood Hazard Area, a community must apply for and be made eligible for participation in the program in accordance with 24 CFR Parts 1909 to 1920. Communities may receive assistance in applying for participation by contacting the Federal Insurance Administration, 451 Seventh St., SW., Washington, D.C. 20410, (202) 755-5581, or its toll-free numbers 800-424-8872 or 800-424-8873.

Communities on this list may be made eligible to participate in the program after the date of publication of this list. Such eligibility will be published periodically in the FEDERAL REGISTER under 24 CFR 1914.4 List of eligible communities. At that point the sanctions of section 202 will no longer apply to such communities.

The list is as follows:

STATES

Alabama

	Date of Identification
Altoona, town of (Etowah County)	May 17, 1974
Attalla, city of (Etowah County)	Dec. 28, 1973

Alabama—Continued

	Date of Identification
Autaugaville, town of (Autauga County)	June 7, 1974
Brighton, town of (Jefferson County)	May 10, 1974
Collinsville, town of (De Kalb County)	May 17, 1974
Cordova, city of (Walker County)	May 31, 1974
Cottonwood, town of (Houston County)	May 17, 1974
Demopolis, city of (Marengo County)	June 7, 1974
East Brewton, town of (Escambia County)	Nov. 23, 1973
Flomation, town of (Escambia County)	Do.
Fultondale, city of (Jefferson County)	May 24, 1974
Gadsden, city of (Etowah County)	March 8, 1974
Gantt, town of (Covington County)	June 7, 1974
Irondale, town of (Jefferson County)	Do.
Lipscomb, town of (Jefferson County)	June 14, 1974
Mount Vernon, town of (Mobile County)	Dec. 17, 1973
Odenville, town of (St. Clair County)	May 24, 1974
Piedmont, city of (Calhoun County)	June 7, 1974
Ragland, town of (St. Clair County)	May 24, 1974
Southside, town of (Etowah County)	Dec. 7, 1973
Valley Head, town of (De Kalb County)	May 3, 1974
Wadley, city of (Randolph County)	May 17, 1974
Weaver, city of (Calhoun County)	Nov. 30, 1973
Total	23

Alaska

	Date of Identification
Dillingham, city of (Bristol Bay Borough)	May 31, 1974
Haines, city of (Haines Borough)	Do.
Honnah, city of Lynn Canal-Icy Straits Borough)	June 7, 1974
Ketchikan, city of (Gateway Borough)	May 24, 1974
Soldotna, city of (Kenai Peninsula Borough)	June 14, 1974
Total	5

Arizona

	Date of Identification
Avondale, city of (Maricopa County)	Feb. 15, 1974
Benson, town of (Cochise County)	Jan. 16, 1974
El Mirage, town of (Maricopa County)	Feb. 15, 1974
Florence, town of (Pinal County)	May 3, 1974
Goodyear, town of (Maricopa County)	Mar. 15, 1974
Kearny, town of (Pinal County)	Nov. 30, 1973
Mammoth, town of (Pinal County)	Dec. 7, 1973
Parker, town of (Yuma County)	May 17, 1974
Show Low, city of (Navajo County)	June 7, 1974
Taylor, town of (Navajo County)	May 17, 1974
Winkleman, town of (Gila County)	Jan. 23, 1974
Yuma, city of (Yuma County)	Apr. 12, 1974
Total	12

Arkansas

	Date of Identification
Altheimer, city of (Jefferson County)	May 10, 1974
Bald Knob, city of (White County)	Mar. 8, 1974
Beebe, city of (White County)	Do.
Benton, city of (Saline County)	Nov. 16, 1973
Calico Rock, city of (Izard County)	Mar. 22, 1974
Carthage, city of (Dallas County)	Mar. 8, 1974
Clarksville, city of (Johnson County)	Nov. 30, 1973
Cotter, city of (Baxter County)	June 14, 1974
Farmington, city of (Washington County)	Apr. 12, 1974
Flippin, city of (Marion County)	June 7, 1974
Foreman, city of (Little River County)	Mar. 1, 1974
Hope, city of (Hempstead County)	Jan. 23, 1974
Hughes, city of (St. Francis County)	Oct. 12, 1973
Humphrey, city of (Arkansas and Jefferson Counties)	May 3, 1974
Imboden, town of (Lawrence County)	Do.
Joiner, city of (Mississippi County)	May 17, 1974
Keissa, city of (Mississippi County)	Do.
Kensett, city of (White County)	Oct. 13, 1973
Mansfield, city of (Scott and Sebastian Counties)	Mar. 15, 1974
McCrory, city of (Woodruff County)	Mar. 29, 1974
McRae, city of (White County)	Mar. 8, 1974
Montrose, town of (Ashley County)	May 3, 1974
Mountainburg, town of (Crawford County)	Do.
Newark, city of (Independence County)	Mar. 15, 1974
Oil Trough, city of (Independence County)	Mar. 22, 1974
Parkdale, city of (Ashley County)	Mar. 29, 1974
Rison, city of (Cleveland County)	Mar. 8, 1974
Russellville, city of (Pope County)	July 8, 1970
Stamps, town of (Lafayette County)	Jan. 23, 1974
Wabbaseka, city of (Jefferson County)	May 10, 1974
Waldo, city of (Columbia County)	Apr. 5, 1974
Wynne, city of (Cross County)	Mar. 22, 1974
Yellville, city of (Marion County)	Nov. 30, 1973
Total	33

California

	Date of Identification
Alameda, city of (Alameda County)	May 24, 1974
Alturas, city of (Modoc County)	May 31, 1974
Beaumont, city of (Riverside County)	Apr. 5, 1974
Bishop, city of (Inyo County)	June 7, 1974
Calexico, city of (Imperial County)	Feb. 1, 1974
Callpatria, city of (Imperial County)	Apr. 12, 1974
Capitola, city of (Santa Cruz County)	May 17, 1974
Carlsbad, city of (San Diego County)	May 31, 1974

84

California—Continued

	Date of Identification
Coachella, city of (Riverside County)	May 17, 1974
Cupertino, city of (Santa Clara County)	Feb. 15, 1974
Daly City, city of (San Mateo County)	Feb. 22, 1974
Delano, city of (Kern County)	May 24, 1974
Desert Hot Springs, city of (Riverside County)	Do.
Dixon, city of (Solano County)	Mar. 15, 1974
El Centro, city of (Imperial County)	Feb. 1, 1974
Emeryville, city of (Alameda County)	Apr. 12, 1974, and Dec. 13, 1973
Etna, city of (Siskiyoo County)	Feb. 22, 1974
Exeter, city of (Tulare County)	Mar. 8, 1974
Galt, city of (Sacramento County)	May 17, 1974
Gonzales, city of (Monterey County)	May 24, 1974
Grass Valley, city of (Nevada County)	May 17, 1974
Gridley, city of (Butte County)	May 24, 1974
Guadalupe, city of (Santa Barbara County)	May 17, 1974
Half Moon Bay, city of (San Mateo County)	Mar. 1, 1974
Holtville, city of (Imperial County)	Apr. 5, 1974
Hughson, city of (Stanislaus County)	May 24, 1974
Huron, city of (Fresno County)	May 17, 1974
Indio, city of (Riverside County)	May 31, 1974
Ione, city of (Amador County)	May 24, 1974
La Palma, city of (Orange County)	June 14, 1974
Maricopa, city of (Kern County)	Do.
Mendota, city of (Fresno County)	Mar. 29, 1974
Monte Sereno, city of (Santa Clara County)	May 24, 1974
Morgan Hill, city of (Santa Clara County)	May 31, 1974
Napa, city of (Napa County)	Mar. 22, 1974
Oceanside, city of (San Diego County)	May 10, 1974
Orange Cove, city of (Fresno County)	May 10, 1974
Pinole, city of (Contra Costa County)	May 24, 1974
Placerville, city of (El Dorado County)	June 7, 1974
Rancho Mirage, city of (Riverside County)	June 14, 1974
Rio Dell, city of (Humboldt County)	May 24, 1974
Riverbank, city of (Stanislaus County)	May 10, 1974
San Bruno, city of (San Mateo County)	June 7, 1974
San Clemente, city of (Orange County)	June 14, 1974
San Jacinto, city of (Riverside County)	Sept. 28, 1973
San Joaquin, city of (Fresno County)	May 10, 1974
San Juan Bautista, city of (San Benito County)	Feb. 8, 1974
San Juan Capistrano, city of (Orange County)	May 10, 1974
Santa Cruz, city of (Santa Cruz County)	March 8, 1974
Scotts Valley, city of (Santa Cruz County)	May 31, 1974

California—Continued

	Date of Identification
Selma, city of (Fresno County)	May 24, 1974
Sonora, city of (Tuolumne County)	May 31, 1974
St. Helena, city of (Napa County)	Do.
Susanville, city of (Lassen County)	Feb. 1, 1974
Vista, city of (San Diego County)	June 14, 1974
Wasco, city of (Kern County)	May 17, 1974
Westmorland, city of (Imperial County)	May 24, 1974
Willits, city of (Mendocino County)	Feb. 8, 1974
Total	58

Colorado

	Date of Identification
Breckenridge, town of (Summit County)	May 24, 1974
Buena Vista, town of (Chaffee County)	May 3, 1974
Craig, city of (Moffat County)	Do.
Dove Creek, town of (Dolores County)	May 24, 1974
Florence, city of (Fremont County)	May 17, 1974
Grand Junction, city of (Mesa County)	Feb. 1, 1974 June 28, 1974
Hugo, town of (Lincoln County)	May 31, 1974
La Fayette, city of (Boulder County)	May 24, 1974
La Jara, town of (Conejos County)	May 17, 1974
Leadville, city of (Lake County)	Do.
Loveland, city of (Larimer County)	Mar. 1, 1974
Mancos, town of Montezuma County)	Do.
Manzanola, town of (Otero County)	May 17, 1974
Milliken, town of (Weld County)	May 24, 1974
Nucla, town of (Montrose County)	May 17, 1974
Otis, town of (Washington County)	May 24, 1974
Ouray, city of (Ouray County)	Do.
Rifle, city of (Garfield County)	June 15, 1973
San Luis, town of (Costilla County)	May 24 1974
Sterling, city of (Logan County)	Jan. 23, 1974
Yampa, city of (Croutt County)	May 24, 1974
Total	21

Connecticut

	Date of Identification
Becon Falls, town of (New Haven County)	May 3, 1974
Bethel, town of (Fairfield County)	Apr. 5, 1974
Bolton, town of (Tolland County)	June 7, 1974
Colchester, city of (New London County)	Do.
Roxbury, town of (Litchfield County)	Do.
Southington, town of (Hartford County)	May 10, 1974
Sterling, town of (Windham County)	May 31, 1974
Thomaston, town of (Litchfield County)	Do.
Thompson, town of (Windham County)	May 17, 1974
Voluntown, town of (New London County)	May 31, 1974

Connecticut—Continued

	Date of Identification
Washington Depot, town of (Litchfield County)	March 8, 1974
Willimantic, city of (Windham County)	May 10, 1974
Windham, town of (Windham County)	Apr. 12, 1974
Winsted, city of (Litchfield County)	May 17, 1974
Wolcott, town of (New Haven County)	May 3, 1974
Total	15

Delaware

	Date of Identification
Dover, city of (Kent County)	May 31, 1974
Greenwood, town of (Sussex County)	May 24, 1974
Total	2

Florida

	Date of Identification
Bonifay, city of (Holmes County)	Nov. 16, 1973
Branford, town of (Suwannee County)	Jan. 9, 1974
Briny Breezes, town of (Palm Beach County)	Jan. 23, 1974
Carabelle, city of (Franklin County)	Jan. 23, 1974
Fellsmere, city of (Indian River County)	Jan. 16, 1974
Lakeland, city of (Polk County)	Mar. 1, 1974
Madison, city of (Madison County)	May 24, 1974
Mangonia Park, town of (Palm Beach County)	Jan. 16, 1974
Orchid, town of (Indian River County)	Jan. 23, 1974
Pembroke Park, town of (Broward County)	May 31, 1974
Quincy, city of (Gadsden County)	Mar. 1, 1974
Sebastian, town of (Indian River County)	Feb. 8, 1974
Wauchula, city of (Sumter County)	Nov. 22, 1973
Webster, town of (Sumter County)	Do.
White Springs, town of (Hamilton County)	Jan. 16, 1974
Wildwood, town of (Sumter County)	Jan. 23, 1974
Yankeetown, town of (Levy County)	Aug. 20, 1971
Zephyrhills, city of (Pasco County)	Feb. 1, 1974
Zolfo Springs, town of (Hardee County)	Jan. 16, 1974
Total	19

Georgia

	Date of Identification
Adairsville, town of (Bartow County)	June 14, 1974
Brooklet, town of (Bulloch County)	Apr. 5, 1974
Clayton, town of (Rabun County)	May 24, 1974
Crawford, city of (Oglethorpe County)	June 7, 1974
Cumming, city of (Forsyth County)	June 14, 1974
Cusseta, city of (Chattahoochee County)	Apr. 12, 1974
Duluth, city of (Gwinnett County)	May 24, 1974
Franklin, town of (Heard County)	May 10, 1974
Hawkinsville, city of (Pulaski County)	May 3, 1974
Homerville, city of (Clinch County)	June 7, 1974
Jackson, city of (Butts County)	May 17, 1974
Jonesboro, city of (Clayton County)	May 24, 1974

Georgia—Continued

	Date of Identification
Kennesaw, town of (Cobb County)	June 14, 1974
Ludowici, city of (Long County)	Do.
McCaysville, city of (Frannin County)	Mar. 22, 1974
Mount Vernon, city of (Montgomery County)	May 31, 1974
Mountain View, city of (Clayton County)	May 10, 1974
Palmetto, city of (Fulton & Coweta Counties)	June 14, 1974
Pembroke, city of (Bryan County)	May 10, 1974
Porterdale, town of (Newton County)	Apr. 12, 1974
Poulan, city of (Worth County)	May 17, 1974
Riceboro, city of (Liberty County)	May 10, 1974
Stone Mountain, city of (De Kalb County	May 13, 1974
Unadilla, town of (Dooly County)	June 14, 1974
Vernonburg, town of (Chatham County)	July 27, 1973
Waverly Hall, town of (Harris County)	June 14, 1974
Woodbine, city of (Camden County)	Do.
Young Harris, town of (Towns County)	Do.
Total	28

Idaho

American Falls, city of (Power County)	May 24, 1974
Burley, city of (Cassia County)	Do.
Coeur D'Alene, city of (Kootenai County)	Mar. 29, 1974
Council, city of (Adams County)	May 3, 1974
Garden City, city of (Ada County)	Dec. 17, 1973
Harrison, city of (Kootenai County)	Mar. 22, 1974
Malad City, city of (Oneida County)	May 24, 1974
Nezperce, city of (Lewis County)	Nov. 23, 1973
Parma, city of (Canyon County)	May 17, 1974
Total	9

Illinois

	Date of Identification
Abingdon, city of (Knox County)	June 7, 1974
Altamont, city of (Effingham County)	Mar. 22, 1974
Anna, city of (Union County)	Mar. 29, 1974
Armington, village of (Tazewell County)	Mar. 22, 1974
Arthur, village of (Moultrie County)	May 3, 1974
Atwood, village of (Piatt County)	Nov. 23, 1973
Banner, village of (Fulton County)	Dec. 28, 1973
Bath, village of (Mason County)	Dec. 17, 1973
Bement, village of (Piatt County)	June 14, 1974
Bluffs, village of (Scott County)	June 7, 1974
Bonnie, village of (Jefferson County)	Feb. 15, 1974
Breese, city of (Clinton County)	June 7, 1974
Bridgeview, village of (Cook County)	Mar. 22, 1974
Brookport, city of (Massac County)	June 7, 1974
Broughton, village of (Hamilton County)	Mar. 1, 1974
Bushnell, city of (McDonough County)	June 7, 1974
Bush, village of (Williamson County)	Mar. 29, 1974
Byron, city of (Ogle County)	May 10, 1974
Calumet Park, village of (Cook County)	Mar. 29, 1974
Camargo, village of (Douglas County)	April 5, 1974
Carbon Hills, village of (Grundy County)	Mar. 8, 1974
Carlinville, city of (Macoupin County)	June 14, 1974
Carlyle, city of (Clinton County)	Dec. 7, 1973
Carrollton, city of (Greene County)	June 7, 1974
Carterville, city of (Williamson County)	Feb. 15, 1974
Cave-in-Rock, village of (Hardin County)	Jan. 23, 1974
Central City, village of (Marion County)	Feb. 15, 1974
Centralia, city of (Clinton and Marion Counties)	May 3, 1974
Chandlerville, village of (Cass County)	Nov. 23, 1973
Channohon, village of (Will County)	Mar. 29, 1974
Chatman, village of (Sangamon County)	Nov. 16, 1973
Clay City, village of (Clay County)	Mar. 22, 1974
Clinton, city of (De Witt County)	May 24, 1974
Columbia, city of (Monroe County)	May 17, 1974
Creve Couer, village of (Tazewell County)	Feb. 22, 1974
Cullom, village of (Livingston County)	Do.
Dallas City, city of (Hancock County)	Mar. 22, 1974
De Soto, village of (Jackson County)	April 5, 1974
Dixmoor, village of (Cook County)	Do.
Dongola, village of (Union County)	Mar. 8, 1974
Durand, village of (Winnebago County)	April 5, 1974
Edwardsville, city of (Madison County)	Do.
Effingham, city of (Effingham County)	Mar. 22, 1974
Eileen, village of (Grundy County)	Mar. 8, 1974
Eldorado, city of (Saline County)	Feb. 22, 1974
Eldred, village of (Greene County)	Dec. 17, 1973
Elizabethtown, village of (Hardin County)	Jan. 16, 1974
Ellisville, village of (Fulton County)	Mar. 22, 1974
Equality, village of (Gallatin County)	Do.
Evansville, village of (Randolph County)	Mar. 1, 1974
Fayetteville, village of (St. Clair County)	Feb. 22, 1974
Florence, village of (Pike County)	Dec. 17, 1973
Foosland, village of (Champaign County)	Mar. 29, 1974
Forreston, village of (Ogle County)	June 7, 1974
Forrest, village of (Livingston County)	Mar. 1, 1974
Freeburg, village of (St. Clair County)	Mar. 22, 1974
Fulton, city of (Whiteside County)	May 31, 1974
Fults, village of (Monroe County)	Dec. 17, 1973
Galatia, village of (Saline County)	Mar. 1, 1974
Galva, city of (Henry County)	June 14, 1974
Genoa, city of (De Kalb County)	Mar. 1, 1974
Georgetown, city of (Vermilion County)	May 17, 1974
Germantown, village of (Clinton County)	Mar. 29, 1974
Gibson City, city of (Ford County)	Do.
Gillespie, city of (Macoupin County)	June 7, 1974
Gilman, city of (Iroquois County)	June 7, 1974
Golconda, city of (Pope County)	Jan. 23, 1974
Golden, village of (Adams County)	June 7, 1974
Green Rock, village of (Henry County)	Jan. 16, 1974
Greenfield, city of (Green County)	Feb. 22, 1974
Greenview, village of (Menard County)	Nov. 23, 1973
Greenville, city of (Bond County)	June 14, 1974
Hammond, village of (Piatt County)	Do.
Hampshire, village of (Kane County)	May 3, 1974
Hanover, village of (Jo County)	April 5, 1974
Havana, city of (Mason County)	Do.
Heyworth, village of (McLean County)	June 14, 1974
Hillsboro, city of (Montgomery County)	May 17, 1974
Hillside, village of (Cook County)	May 3, 1974
Hinckley, village of (Dekalb County)	Mar. 1, 1974
Hopedale, village of (Tazewell County)	Apr. 5, 1974
Hurst, village of (Williamson County)	Mar. 15, 1974
Jerseyville, city of (Jersey County)	June 7, 1974
Joppa, village of (Massac County)	Nov. 23, 1973
Kingston Mines, village of (Peoria County)	Dec. 23, 1973
Kirkwood, village of (Warren County)	May 24, 1974
Knoxville, city of (Knox County)	June 7, 1974
Lacon, city of (Marshall County)	Nov. 30, 1973
Lake Bluff, village of (Lake County)	Feb. 1, 1974
Lawrenceville, city of (Lawrence County)	Mar. 8, 1974
Leaf River, village of (Ogle County)	Nov. 23, 1973
Lebanon, city of (St. Clair County)	Nov. 16, 1973
Livingston, village of (Madison County)	Mar. 22, 1974
Loami, village of (Sangamon County)	Mar. 29, 1974
Malta, village of (Dekalb County)	June 7, 1974
Manlius, village of (Bureau County)	Mar. 8, 1974
Marquette Heights, city of (Tazewell County)	Do.
Martinsville, city of (Clark County)	Nov. 23, 1973

86<

Illinois—Continued

	Date of Identification
Maunie, village of (White County)	Jan. 9, 1974
Maywood, village of (Cook County)	Feb. 1, 1974
McLeansboro, city of (Hamilton County)	Mar. 22, 1974
Metropolis, city of (Massac County)	Mar. 8, 1974
Momence, City of (Kankakee County)	Jan. 9, 1974
Mount Carmel, city of (Wabash County)	Mar. 15, 1974
Moweaqua, village of Shelby County)	June 7, 1974
Muddy, village of (Saline County)	Mar. 22, 1974
Nashville, city of (Washington County)	May 17, 1974
Nebo, village of (Pike County)	Dec. 28, 1973
New Athens, village of (St. Clair County)	Mar. 22, 1974
New Baden, village of (Clinton County)	May 24, 1974
New Haven, village of (Gallatin County)	Jan. 16, 1974
Newton, city of (Jasper County)	Dec. 17, 1973
Niantic, village of (Macon County)	Mar. 1, 1974
Nokomis, city of (Montgomery County)	Mar. 29, 1974
North Pekin, village of (Tazewell County)	Mar. 8, 1974
Oakwood, village of (Vermillion County)	Mar. 29,1974
Oglesby, city of (LaSalle County)	May 24, 1974
Old Shawneetown, village of (Gallatin County)	Dec. 17, 1973
Olney, city of (Richland County)	Feb. 22, 1974
Omaha, village of (Gallatin County)	May 10, 1974
Oneida, city of (Knox County)	June 7, 1974
Palestine, town of (Crawford County)	Nov. 23, 1973
Paris, city of (Edgar County)	May 3, 1974
Park City, village of (Lake County)	Mar. 1, 1974
Park Ridge, city of (Cook County)	Feb. 22, 1974 and Nov. 22, 1973
Paw Paw, village of (Lee County)	June 14, 1974
Pawnee, village of (Sangamon County)	May 17, 1974
Pearl City, village of (Stephenson County)	May 3, 1974
Pearl, village of (Pike County)	Dec. 28, 1974
Pecantonica, village of (Winnebago County)	Apr. 5, 1974
Pekin, city of (Tazewell County)	Apr. 12, 1974
Petersburg, city of (Menard County)	Dec. 7, 1973
Phoenix, village of (Cook County)	Apr. 12, 1974
Pinckneyville, city of (Perry County)	Mar. 22, 1974
Pittsfield, city of (Pike County)	June 7, 1974
Pleasant Plains, village of (Sangamon County)	Mar. 22, 1974
Polo, city of (Ogle County)	May 17, 1974
Pontoosuc, village of (Hancock County)	Jan. 16, 1974
Potomac, village of (Vermillion County)	Mar. 22, 1974
Pulaski, village of (Pulaski County)	May 17, 1974
Rankin, village of (Vermillion County)	Do.

Illinois—Continued

	Date of Identification
Rantoul, village of (Champaign County)	Apr. 12, 1974
Ridgway, village of (Galiatin County)	Feb. 22, 1974
Ridott, village of (Stephenson County)	Dec. 17, 1973
Riverton, village of (Sangamon County)	Nov. 16, 1973
Riverwoods, village of (Lake County)	Mar. 1, 1974
Robinson, city of (Crawford County)	May 31, 1974
Romeoville, village of (Will County)	Mar. 29, 1974
Roseville, village of (Warren County)	May 17, 1974
Rosiclare, city of (Hardin County)	Dec. 17, 1973
Round Lake Park, village of (Lake County)	Mar. 29, 1974
Rushville, city of (Schuyler County)	Mar. 1, 1974
Sheridan, village of (La Salle County)	Apr. 12, 1974
Sidney, village of (Champaign County)	Jan. 16, 1974
Silvis, city of (Rock Island County)	May 31, 1974
Smithton, village of (St. Clair County)	Mar. 29, 1974
South Barrington, village of (Cook County)	Mar. 22, 1974
South Chicago Heights, village of (Cook County)	Apr. 12, 1974
South Jacksonville, city of (Morgan County)	Mar. 29, 1974
Sparland, village of (Marshall County)	Nov. 23, 1973
Springfield, city of (Sangamon County)	June 7, 1974
Staunton, city of (Macoupin County)	May 17, 1974
Stickney, village of (Cook County)	Mar. 29, 1974
St. Francisville, village of (Lawrence County)	Do.
St. Joseph, village of (Champaign County)	Nov. 23, 1973
Sugar Grove, village of (Kane County)	Mar. 8, 1974
Summerfield, village of (St. Clair County)	May 3, 1974
Sumner, city of (Lawrence County)	Mar. 1, 1974
Sycamore, city of (De Kalb County)	Apr. 5, 1974
Tallula, village of (Menard County)	Mar. 29, 1974
Tamms, village of (Alexander County)	May 10, 1974
Teutopolis, village of (Effingham County)	Feb. 22, 1974
Thayer, village of (Sangamon County)	Mar. 22, 1974
Toluca, city of (Marshall County)	Apr. 5, 1974
Toulon, city of (Stark County)	May 31, 1974
Tuscola, city of (Douglas County)	Nov. 30, 1973
Valley City, village of (Pike County)	Dec. 17, 1973
Verona, village of (Grundy County)	May 3, 1974
Victoria, village of (Knox County)	June 7, 1974
Virginia, city of (Cass County)	Apr. 5, 1974
Wadsworth, village of (Lake County)	Mar. 1, 1974
Wataga, village of (Knox County)	June 7, 1974
West Chicago, city of (Du Page County)	Apr. 12, 1974
West Dundee, village of (Kane County)	Apr. 5, 1974

Illinois—Continued

	Date of Identification
Wheeler, village of (Jasper County)	Feb. 22, 1974
White Hall, city of (Greene County)	Apr. 5, 1974
Winslow, village of (Stephenson County)	Mar. 15, 1974
Winthrop Harbor, village of (Lake County)	Mar. 8, 1974
Yates City, village of (Knox County)	June 14, 1974
Total	189

Indiana

Albion, town of (Noble County)	June 7, 1974
Alton, town of (Crawford County)	Jan. 23, 1974
Andrews, town of (Huntington County)	June 7, 1974
Arcadia, town of (Hamilton County)	Feb 1, 1974
Attica, city of (Fountain County)	Dec. 7, 1973
Austin, city of (Scott County)	Nov. 23, 1973
Battle Ground, city of (Tippecanoe County)	May 24, 1974
Bicknell, town of (Knox County)	May 17, 1974
Bloomfield, town of (Greene County)	Nov. 23, 1973
Boonville, city of (Warrick County)	Dec. 28, 1973
Bremen, town of (Marshall County)	Nov. 23, 1973
Bristol, town of (Elkhart County)	Do.
Brooklyn, town of (Morgan County)	Dec. 7, 1973
Brown County, unincorporated area	Apr. 13, 1973
Brownsburg, town of (Hendricks County)	Nov. 23, 1973
Brownstown, town of (Jackson County)	Do.
Burlington, town of (Carroll County)	Do.
Camden, town of (Carroll County)	Do.
Cayuga, town of (Vermillion County)	May 31, 1974
Cedar Grove, town of (Franklin County)	Dec. 7, 1973
Cedar Lake, town of (Lake County)	Dec. 28, 1973
Chandler, town of (Warrick County)	Jan. 9, 1974
Charlestown, city of (Clark County)	Apr. 12, 1974
Churubusco, town of (Whitley County)	May 31, 1974
Columbia City, city of (Whitley County)	Dec. 17, 1973
Converse, town of (Miami County)	May 17, 1974
Covington, city of (Fountain County)	Jan. 9, 1974
Decker, town of (Knox County)	Feb. 1, 1974
Delphi, city of (Carroll County)	Nov. 23, 1973
Denver, town of (Miami County)	Feb. 1, 1974
Eaton, town of (Delaware County)	Nov. 23, 1973
Edwardsport, town of (Knox County)	Do.
English, town of (Crawford County)	Apr. 12, 1974
Fairmount, town of (Grant County)	May 24, 1974
Fountain City, city of (Wayne County)	May 10, 1974
French Lick, town of (Orange County)	Feb. 1, 1974

Indiana—Continued

	Date of Identification
Gosport, town of (Owen County)	Nov. 23, 1973
Greenfield, city of (Hancock County)	Do.
Hartford City, city of (Blackford County)	Do.
Hazleton, town of (Gibson County)	Do.
Hillsboro, town of (Fountain County)	Feb. 1, 1974
Huntertown, town of (Allen and De Kalb Counties)	May 31, 1974
Huntington, city of (Huntington County)	June 7, 1974
Jonesboro, town of (Grant County)	Dec. 7, 1973
Judson, town of (Parke County)	Dec. 17, 1973
Kentland, town of (Newton County)	May 24, 1974
Knightstown, town of (Henry County)	Nov. 30, 1973
Lacrosse, town of (Laporte County)	May 31, 1974
Ladoga, town of (Montgomery County)	May 24, 1974
Lagro, town of (Wabash County)	Do.
Leavenworth, town of (Crawford County)	Nov. 30, 1973
Lebanon, city of (Boone County)	May 3, 1974
Marengo, town of (Crawford County)	Feb. 1, 1974
Mecca, town of (Parke County)	Jan. 23, 1974
Medora, town of (Jackson County)	Nov. 23, 1973
Milltown, town of (Crawford and Harrison Countys)	Nov. 30, 1973
Monterey, town of (Pulaski County)	Feb. 1, 1974
Montpelier, town of (Blackford County)	Dec. 7, 1973
New Palestine, town of (Hancock County)	Nov. 30, 1973
New Whiteland, town of (Johnson County)	Jan. 16, 1974
Newberry, town of (Greene County)	Feb. 1, 1974
Newport, town of (Vermillion County)	May 31, 1974
North Vernon, city of (Jennings County)	Nov. 30, 1973
Oakland City, city of (Gibson County)	May 10, 1974
Ogden Dunes, town of (Porter County)	May 31, 1974
Orland, town of (Steuben County)	Do.
Orleans, town of (Orange County)	Do.
Osceola, town of (St. Joseph County)	Dec. 17, 1973
Paoli, town of (Orange County)	Nov. 23, 1973
Paragon, town of (Morgan County)	Feb. 1, 1974
Pennville, town of (Wayne County)	Do.
Plainfield, town of (Hendricks County)	Do.
Remington, town of (Jasper County)	May 31, 1974
Ridgeville, town of (Randolph County)	Nov. 30, 1973
Riley, town of (Vigo County)	Feb. 1, 1974
Roann, town of (Wabash County)	Dec. 7, 1973
Roanoke, town of (Huntington County)	Dec. 28, 1973
Rochester, city of (Fulton County)	Feb. 15, 1974
Rosedale, town of (Parke County)	Nov. 30, 1973

Indiana—Continued

	Date of Identification
Rushville, city of (Rush County)	Dec. 7, 1973
Schneider, town of (Lake County)	Dec. 17, 1973
Sellersburg, town of (Clark County)	Nov. 23, 1973
South Whitley, town of (Whitley County)	Dec. 21, 1973
Spencerville, town of (Dekalb County)	Feb. 13, 1974
Spencer, city of (Owen County)	Dec. 17, 1973
Spring Lake Park, town of (Hancock County)	Feb. 1, 1974
Springport, town of (Henry County)	Do.
Stinesville, town of (Monroe County)	Do.
St. Joe, town of (De Kalb County)	Dec. 7, 1973
Sulphur Springs, town of (Henry County)	Feb. 1, 1974
Tennyson, town of (Warrick County)	Do.
Tipton, city of (Tipton County)	Dec. 28, 1973
Troy, town of (Perry County)	May 31, 1974
Universal, town of (Vermillion County)	Feb. 1, 1974
Veedersburg, town of (Fountain County)	Dec. 17, 1973
Vera Cruz, town of (Wells County)	Dec. 7, 1973
Wabash, city of (Wabash County)	June 7, 1974
Walkerton, town of (St. Joseph County)	Nov. 23, 1973
Walton, town of (Cass County)	May 17, 1974
Waveland, town of (Montgomery County)	May 24, 1974
Waynetown town of (Montgomery County)	May 31, 1974
West Baden Springs, town of (Orange County)	Dec. 28, 1973
Westfield, town of (Hamilton County)	Feb. 1, 1974
Whitestown, town of (Boone County)	Apr. 12, 1974
Williamsport, town of (Warren County)	Dec. 17, 1973
Winona Lake, town of (Kosciusko County)	May 3, 1974
Winslow, town of (Pike County)	Dec. 17, 1973
Wolcott, town of (White County)	June 14, 1974
Worthington, town of (Greene County)	Nov. 23, 1973
Total	109

Iowa

Anthon, town of (Woodbury County)	Jan. 23, 1974
Atlantic, city of (Cass County)	May 3, 1974
Bedford, town of (Taylor County)	Feb. 1, 1974
Belmond, city of (Wright County)	May 3, 1974
Bonaparte, city of (Van Buren County)	Jan. 9, 1974
Cascade, city of (Dubuque County)	Dec. 17, 1973
Centerville, city of (Appanoose County)	Mar. 22, 1974
Clear Lake, city of (Cerro Gordo County)	May 24, 1974
Colfax, city of (Jasper County)	Jan. 23, 1974
Columbus Junction, city of (Louisa County)	Jan. 9, 1974
Danbury, city of (Woodbury County)	Do.

Iowa—Continued

	Date of Identification
Donnellson, town of (Lee County)	May 10, 1974
Dow City, town of (Crawford County)	May 31, 1974
Dumont, town of (Butler County)	May 24, 1974
Dunlap, town of (Harrison County)	May 17, 1974
Eldon, town of (Wapello County)	Dec. 17, 1973
Exira, town of (Audubon County)	May 10, 1974
Fredericksburg, town of (Chickasaw County)	May 3, 1974
Granger, town of (Dallas County)	Mar. 22, 1974
Greene, town of (Butler County)	May 17, 1974
Guthrie Center, city of (Guthrie County)	Do.
Hamburg, city of (Fremont County)	June 14, 1974
Hills City, city of (Johnson County)	Dec. 28, 1973
Hudson, town of (Black Hawk County)	Mar. 8, 1974
Indianola, city of (Warren County)	June 7, 1974
Janesville, town of (Black Hawk and Bremer Counties)	Dec. 28, 1973
Lansing, town of (Allamakee County)	Jan. 16, 1974
Le Mars, city of (Plymouth County)	Do.
Malvern, town of (Mills County)	Mar. [illegible], 1974
Marion, city of (Linn County)	Mar. 1, 1974
Montrose, town of (Lee County)	Jan. 23, 1974
Mount Vernon, city of (Linn County)	Mar. 8, 1974
New Albin, town of (Allamakee County)	May 17, 1974
Oxford, town of (Johnson County)	May 10, 1974
Raymond, town of (Black Hawk County)	Mar. 22, 1974
Riverdale, town of (Scott County)	Jan. 23, 1974
Rockford, town of (Floyd and Howard Counties)	Feb. 1, 1974
Sac City, city of (Sac County)	Dec. 28, 1973
Sergeant Bluff, town of (Woodbury County)	Mar. 29, 1974
Sibley, city of (Osceola County)	May 17, 1974
Sigourney, city of (Keokuk County)	Mar. 15, 1974
Sioux Rapids, town of (Buena Vista County)	May 10, 1974
Sloan, town of (Woodbury County)	May 24, 1974
Spirit Lake, city of (Dickinson County	May 31, 1974
Story City, city of (Story County)	Do.
Sumner, city of (Bremer County)	May 3, 1974
Tipton, city of (Cedar County)	Mar. 29, 1974
Wapello, city of (Louisa County)	Jan. 16, 1974
Waukon, city of (Allamakee County)	Mar. 22, 1974
West Branch, city of (Cedar County)	Mar. 1, 1974
What Cheer, city of (Keokuk County)	Jan. 9, 1974
Total	51

88<

Kansas

	Date of Identification
Alma, city of (Wabaunsee County)	Mar. 8, 1974
Almena, city of (Norton County)	Mar. 1, 1974
Ashland, city of (Clark County)	May 17, 1974
Augusta, city of (Butler County)	Feb. 1, 1974
Basehor, city of (Leavenworth County)	Apr. 12, 1974
Baxter Springs, city of (Cherokee County)	May 24, 1974
Belleville, city of (Republic County)	Feb. 15, 1974
Beloit, city of (Mitchell County)	Dec. 7, 1973
Burrton, city of (Harvey County)	Mar. 15, 1974
Caney, city of (Montgomery County)	Feb. 15, 1974
Carbondale, city of (Osage County)	May 24, 1974
Centralia, city of (Nemaha County)	Do.
Clyde, city of (Cloud County)	May 31, 1974
Columbus, city of (Cherokee County)	Mar. 1, 1974
Deerfield, city of (Kearny County)	Dec. 28, 1973
Edgerton, city of (Johnson County)	Mar. 8, 1974
Elkhart, city of (Morton County)	May 24, 1974
Ellinwood, city of (Barton County)	Mar. 15, 1974
Ellsworth, city of (Ellsworth County)	Dec. 28, 1973
Eureka, city of (Greenwood County)	Apr. 12, 1974
Frankfort, city of (Marshall County)	Jan. 23, 1974
Fredonia, city of (Wilson County)	Jan. 23, 1973
Gardner, city of (Johnson County)	May 3, 1974
Garnett, city of (Anderson County)	Feb. 8, 1974
Grandview Plaza, city of (Geary County)	Feb. 1, 1974
Hiawatha, city of (Brown County)	Aug. 9, 1974
Holton, city of (Jackson County)	Feb. 8, 1974
Jetmore, city of (Hodgeman County)	Feb. 22, 1974
Johnson City, city of (Stanton County)	Mar. 1, 1974
La Cygne, city of (Linn County)	May 24, 1974
Lecompton, city of (Douglas County)	Mar. 15, 1974
Leroy, city of (Coffey County)	Jan. 23, 1974
Lincoln, city of (Lincoln County)	Dec. 28, 1973
Louisburg, city of (Miami, County)	Mar. 8, 1974
Lyndon, city of (Osage County)	Mar. 1, 1974
Marquette, city of (McPherson County)	Do.
McLouth, city of (Jefferson County)	Dec. 17, 1973
Minneola, city of (Clark County)	Mar. 22, 1974
Moline, city of (Elk County)	Feb. 8, 1974
Mound City, city of (Linn County)	Feb. 22, 1974
Nortonville, city of (Jefferson County)	Mar. 1, 1974
Norton, city of (Norton County)	Do.
Ogden, city of (Riley County)	Feb. 15, 1974

Kansas—Continued

	Date of Identification
Osage City, city of (Osage County)	June 7, 1974
Osborne, city of (Osborne County)	Mar. 1, 1974
Oskaloosa, city of (Jefferson County)	Mar. 15, 1974
Ottawa, city of (Franklin County)	May 24, 1974
Pomona, city of (Franklin County)	Jan. 9, 1974
Riley, city of (Riley County)	Feb. 8, 1974
Roeland Park, city of (Johnson County)	Feb. 15, 1974
Rossville, city of (Shawnee County)	May 31, 1974
Russell, city of (Russell County)	Jan. 9, 1974
	Feb. 8, 1974 Nov. 8, 1973
Syracuse, city of (Hamilton	Jan. 9, 1974
Troy, city of (Doniphan County)	Feb. 15, 1974
Waverly, city of (Coffey County)	Do.
Wellsville, city of (Franklin County)	Do.
Westmoreland, city of (Pottawatomie County)	Mar. 8, 1974
Total	57

Kentucky

	Date of Identification
Albany, city of (Clinton County)	May 10, 1974
Allen, town of (Floyd County)	Jan. 23, 1974
Arlington, town of (Carlisle County)	May 17, 1974
Bardstown, city of (Nelson County)	May 31, 1974
Bardwell, town of (Carlisle County)	May 17, 1974
Bloomfield, city of (Nelson County)	May 10, 1974
Booneville, city of (Owsley County)	Feb. 1, 1974
Bradfordsville, city of (Marion County)	May 10, 1974
Brodhead, city of (Rock Castle County)	May 17, 1974
Burgin, city of (Mercer County)	May 10, 1974
Burkesville, city of (Cumberland County)	Feb. 15, 1974
Calhoun, town of (McLean County)	Feb. 1, 1974
California, village of (Campbell County)	Mar. 15, 1974
Calvert City, town of (Marshall County)	Feb. 1, 1974—
Campbellsville, city of (Taylor County)	May 24, 1974
Campton, city of (Wolff County)	May 17, 1974
Catlettsburg town of (Boyd County)	May 3, 1974
Central City, city of (Muhlenberg County)	Feb. 1, 1974
Clay City, city of (Powell County)	Do.
Clay, city of (Webster County)	Do.
Clinton, town of (Hickman County)	May 17, 1974
Corbin, city of (Whitley County)	June 14, 1974
Danville, city of (Boyle County)	May 31, 1974
Dawson Springs, city of (Hopkins County)	Feb. 1, 1974
Falmouth, city of (Pendleton County)	May 24, 1974
Flemingsburg, town of (Fleming County)	June 7, 1974
Florence, town of (Boone County)	Feb. 1, 1974

Kentucky—Continued

	Date of Identification
Fort Thomas, city of (Campbell County)	Jan. 25, 1974 and Oct. 18, 1974
Georgetown, city of (Scott County)	May 24, 1974
Ghent, town of (Carroll County)	Jan. 16, 1974
Glencoe, city of (Gallatin County)	Feb. 1, 1974
Grayson, city of (Carter County)	Do.
Greensburg, city of (Green County)	Do.
Greenup, town of (Greenup County)	Jan. 23, 1974
Guthrie, town of (Todd County	June 7, 1974
Hardin, city of (Marshall County)	June 14, 1974
Hardin, town of (Marshall County)	May 10, 1974
Harrodsburg, city of (Mercer County)	Do.
Hindman, city of (Knott County)	May 31, 1974
Hodgenville, town of (Larue County)	May 17, 1974
Hyden, city of (Leslie County)	May 24, 1974
Jackson, city of (Breathitt County)	May 17, 1974
Jamestown, city of (Russell County)	May 10, 1974
Jenkins, city of (Letcher County)	June 7, 1974
Lebanon Junction, city of (Bullitt County)	Mar. 15, 1974
Leitchfield, town of (Grayson County)	May 10, 1974
Livermore, town of (McLean County)	Feb. 1, 1974
Manchester, city of (Clay County)	Do.
Martin, town of (Floyd County)	May 24, 1974
Millersburg, city of (Bourbon County)	May 10, 1974
Monticello, town of (Wayne County)	May 24, 1974
Morganfield, town of (Union County)	May 17, 1974
Morgantown, town of (Butler County)	Feb. 1, 1974
Mortons Gap, town of (Hopkins County)	May 17, 1974
Mount Sterling, city of (Montgomery County)	May 10, 1974
Neon, town of (Letcher County)	Jan. 23, 1974
New Haven, city of (Nelson County)	Do.
Nortonville, town of (Hopkins County)	May 17, 1974
Olive Hill, city of (Carter County)	Feb. 1, 1974
Petersburg, town of (Boone County)	Jan. 23, 1974
Princeton, town of (Caldwell County)	May 31, 1974
Providence, city of (Webster County)	Feb. 1, 1974
Raceland, town of (Greenup County)	Feb. 8, 1974
Rochester, town of (Butler County)	Feb. 1, 1974
Rockport, town of (Ohio County)	Do.
Russell, town of (Greenup County)	Feb. 8, 1974
Salyersville, town of (Magoffin County)	Feb. 22, 1974
Sanders, town of (Carroll County)	Jan. 23, 1974
Sebree, city of (Webster County)	May 17, 1974

Kentucky—Continued

	Date of Identification
Shepherdsville, city of (Bullitt County)	May 24, 1974
Smithland, town of (Livingston County)	Feb. 1, 1974
South Shore, town of (Greenup County)	Do.
Sparta, city of (Gallatin County)	Do.
Stanton, city of (Powell County)	May 24, 1974
Taylorsville, town of (Spencer County)	Feb. 1, 1974
Uniontown, town of (Union County)	May 17, 1974
Vanceburg, town of (Lewis County)	Feb. 1, 1974
Vicco, city of (Perry County)	May 10, 1974
Vine Grove, city of (Hardin County)	May 17, 1974
Visalia, city of (Kenton County)	Jan. 23, 1974
Warsaw, city of (Gallatin County)	Feb. 1, 1974
Wheat Croft, town of (Webster County)	Feb. 15, 1974
Winston Park, town of (Webster County)	Jan. 23, 1974
Woodbury, town of (Butler County)	Feb. 1, 1974
Worthville, town of (Carroll County)	Jan. 23, 1974
Total	85

Louisiana

	Date of Identification
Abita Springs, town of (St. Tammany Parish)	May 17, 1974
Albany, Village of (Livingston Parish)	Apr. 12, 1974
Basile, town of (Evangeline Parish)	May 24, 1974
Bastrop, city of (Morehouse Parish)	Mar. 15, 1974
Benton, town of (Bossier Parish)	June 14, 1974
Boyce, town of (Rapides Parish)	Apr. 5, 1974
Broussard, town of (Lafayette Parish)	Apr. 12, 1974
Clarence, village of (Natchitoches Parish)	Mar. 1, 1974
Coushatta, town of (Red River Parish)	Apr. 12, 1974
Denham Springs, city of (Livingston Parish)	Mar. 15, 1974
Doyline, village of (Webster Parish)	Apr. 5, 1974
Duson, town of (Lafayette Parish)	Do.
Grand Coteau, town of (St. Landry Parish)	Dec. 7, 1973
Independence, town of (Tangipahoa Parish)	May 17, 1974
Kinder, town of (Allen Parish)	Apr. 5, 1974
Le Compte, town of (Rapides Parish)	May 17, 1974
Mermentau, town of (Acadia Parish)	Nov. 23, 1974
Morse, town of (Acadia Parish)	Nov. 23, 1973
Pearl River, town of (St. Tammany Parish)	May 24, 1974
Provencal, village of (Natchitoches Parish)	Do.
Ringgold, town of (Bienville Parish)	May 3, 1974
Robeline, village of (Natchitoches Parish)	Apr. 12, 1973
Roseland, town of (Tangipahoa Parish)	Oct. 26, 1973
Sicily Island, Village of (Catahoula Parish)	Dec. 28, 1973
Sterlington, town of (Ouachita Parish)	Dec. 17, 1973

Louisiana—Continued

	Date of Identification
Ville Platte, town of (Evangeline Parish)	May 17, 1974
Winnfield, town of (Winn Parish)	Nov. 16, 1973
Total	27

Maine

	Date of Identification
Ashland, town of (Aroostook County)	June 14, 1974
Buxton, town of (York County)	Apr. 5, 1974
Dexter, town of (Penobscot County)	Mar. 15, 1974
Glenburn, town of (Penobscot County)	Mar. 1, 1974
Hollis, town of (York County)	May 31, 1974
Limington, town of (York County)	Do.
Lisbon, town of (Androscoggin County)	Feb. 15, 1974
Minot, town of (Androscoggin County)	Feb. 1, 1974
Phillips, town of (Franklin County)	June 14, 1974
Poland, town of (Androscoggin County)	Feb. 22, 1974
Richmond, town of (Sagadohoc County)	May 31, 1974
Sabattus, town of (Androscoggin County)	Do.
Scarborough, town of (Cumberland County)	May 17, 1974
South Portland, city of (Cumberland County)	Feb. 22, 1974
Strong, town of (Franklin County)	June 14, 1974
Van Buren, town of (Aroostook County)	Do.
Total	16

Maryland

	Date of Identification
Williamsport, town of (Washington County)	Feb. 15, 1974
Total	1

Massachusetts

	Date of Identification
Amesbury, town of (Essex County)	June 14, 1975
Athol, town of (Worcester County)	Mar. 8, 1974
Barre, town of (Worcester County)	May 17, 1974
Brewster, town of (Barnstable County)	Mar. 15, 1974
Brookfield, town of (Worcester County)	May 3, 1974
Buckland, town of (Franklin County)	May 31, 1974
Chatham, town of (Barnstable County)	Do.
East Brookfield, town of (Worcester County)	June 7, 1974
Edgartown, town of (Dukes County)	May 31, 1974
Everett, city of (Middlesex County)	June 7, 1974
Fitchburg, city of (Worcester County)	Apr. 5, 1974
Gill, town of (Franklin County)	Mar. 15, 1974
Grafton, town of (Worcester County)	Apr. 5, 1974
Holland, town of (Hampden County)	June 7, 1974
Leominster, town of (Worcester County)	Mar. 22, 1974
Monterey, town of (Berkshire County)	Mar. 15, 1974
Orange, town of (Franklin County)	May 31, 1974
Royalston, town of (Worcester County)	May 17, 1974
Sunderland, town of (Franklin County)	Mar. 8, 1974

Massachusetts—Continued

	Date of Identification
Warren, town of (Worcester County)	May 17, 1974
Westborough, town of (Worcester County)	Mar. 8, 1974
Wilbraham, town of (Hampden County)	May 17, 1974
Total	22

Michigan

	Date of Identification
Almont, village of (Lapeer County)	May 10, 1974
Ash, township of (Monroe County)	June 14, 1974
Bedford, township of (Monroe County)	Feb. 15, 1974
De Witt, city of (Clinton County)	Mar. 8, 1974
Flat Rock, city of (Wayne County)	May 17, 1974
Frankenmuth, city of (Saginaw County)	Jan. 23, 1974
Grand Ledge, city of (Eaton County)	May 17, 1974
Hastings, city of (Barry County)	Apr. 12, 1974
Leslie, city of (Ingham County)	June 14, 1974
Manchester, village of (Washtenaw County)	Feb. 22, 1974
Memphis, village of (St. Clair County)	May 17, 1974
Milan, township of (Monroe County)	May 24, 1974
Olivet, city of (Eaton County)	May 17, 1974
Parchment, city of (Kalamazoo County)	May 10, 1974
Petersburg, town of (Monroe County)	Feb. 15, 1974
Plainwell, city of (Allegan County)	May 17, 1974
Plymouth, city of (Wayne County)	Do.
Raisinville, township of (Monroe County)	Feb. 15, 1974
Riverview, City of (Wayne County)	May 3, 1974
Saugatuck, village of (Allegan County)	June 7, 1974
South Rockwood, village of (Monroe County)	Feb. 1, 1974
Traverse City, city of (Grand Traverse County)	May 24, 1974
Watervliet, city of (Berrien County)	May 31, 1974
Williamston, city of (Ingham County)	May 3, 1974
Total	24

Minnesota

	Date of Identification
Arlington, city of (Sibley County)	May 17, 1974
Aurora, city of (St. Louis County)	Apr. 5, 1974
Avon, city of (Stearns County)	Mar. 29, 1974
Brownton, city of (McLeod County)	May 3, 1974
Chokio, city of (Stevens County)	Do.
Clinton, city of (Big Stone County)	May 17, 1973
Cohasset, city of (Itasca County)	May 31, 1974
Corcoran, city of (Hennepin County)	June 7, 1974
Cosmos, city of (Meeker County)	May 17, 1974
Eagan, city of (Dakota County)	Nov. 30, 1973
Eden Prairie, city of (Hennepin County)	Mar. 1, 1974
Elgin, city of (Wabasha County)	May 17, 1974

Minnesota—Continued

	Date of Identification
Ellsworth, city of (Nobles County)	May 3, 1974
Elmore, city of (Faribault County)	May 14, 1974
Eveleth, city of (St. Louis County)	June 7, 1974
Eyota, city of (Olmsted County)	Apr. 12, 1974
Fairfax, city of (Renville County)	Mar. 29, 1974
Fairmont, city of (Martin County)	June 7, 1974
Farmington, village of (Dakota County)	May 24, 1974
Freeport, city of (Stearns County)	May 3, 1974
Glenwood, city of (Pope County)	Mar. 29, 1974
Glyndon, city of (Clay County)	May 17, 1974
Goodhue, city of (Goodhue County)	May 24, 1974
Graceville, city of (Big Stone County)	May 17, 1974
Greenwood, city of (Hennepin County)	May 31, 1974
Henning, city of (Otter Tail County)	May 3, 1974
Heron Lake, city of (Jackson County)	May 24, 1974
Hills, city of (Rock County)	Apr. 12, 1974
Holdingford, city of (Stearns County)	May 17, 1974
International Falls, city of (Koochiching County)	June 7, 1974
Isanti, city of (Isanti County)	Jan. 9, 1974
Ivanhoe, city of (Lincoln County)	Mar. 29, 1974
Jasper, city of (Pipestone and Rock Counties)	Do.
Keewatin, city of (Itasca County)	May 3, 1974
Kenyon, city of (Goodhue County)	May 24, 1974
Kiester, city of (Faribault County)	May 10, 1974
Litchfield, city of (Meeker County)	Apr. 12, 1974
Madelia, city of (Watonwan County)	Do
Madison, city of (Lac Qui Parle County)	Do.
Maple Plain, city of (Hennepin County)	May 3, 1974
Marble, city of (Itasca County)	May 17, 1974
Mayer, city of (Carver County)	Nov. 23, 1973
Medford, city of (Steele County)	Apr. 12, 1974
Menahga, city of (Wadena County)	Do.
Mendota Heights, city of (Dakota County)	Nov. 23, 1973
Mendota, city of (Dakota County)	Feb. 8, 1974
Minnesota Lake, city of (Faribault County)	May 17, 1974
Morristown, city of (Rice County)	Mar. 29, 1974
Mounds View, city of (Ramsey County)	May 3, 1974
Mountain Iron, village of (St. Louis County)	May 24, 1974
New London, city of (Kandiyohi County)	Apr. 5, 1974
New Richland, city of (Waseca County)	Apr. 12, 1974
Nicollet, city of (Nicollet County)	Apr. 5, 1974
North Branch, city of (Chicago County)	May 10, 1974
Oak Park Heights, city of (Washington County)	Mar. 22, 1974
Odessa, city of (Big Stone County)	Nov. 23, 1973
Ravenna, city of (Dakota County)	Feb. 25, 1974
Richmond, city of (Stearns County)	Mar. 29, 1974
Rosemont, city of (Dakota County)	June 7, 1974
Rush City, city of (Chisago County)	May 10, 1974
Sacred Heart, city of (Renville County)	May 3, 1974
Sanborn, city of (Redwood County)	May 10, 1974
Scanlon, city of (Carlton County)	Nov. 2, 1973
Sebeka, city of (Wadena County)	Apr. 12, 1974
Spring Lake Park, city of (Anoka County)	May 10, 1974
Spring Park, city of (Hennepin County)	June 7, 1974
St. Bonifacius, city of (Hennepin County)	Do.
Taylor Falls, city of (Chisago County)	May 24, 1974
Tyler, city of (Lincoln County)	May 3, 1974
Wanamingo, city of (Goodhue County)	May 10, 1974
Watkins, city of (Meeker County)	Apr. 12, 1974
Welcome, city of (Martin County)	May 10, 1974
Winthrop, city of (Sibley County)	May 17, 1974
Total	73

Mississippi

Crowder, town of (Quitman and Panola Counties)	June 7, 1974
Marion, town of (Lauderdale County)	Jan. 16, 1974
Ripley, city of (Tippah County)	June 7, 1974
Shubuta, town of (Clarke County)	Do.
Vaiden, town of (Carroll County)	Do.
Waynesboro, town of (Wayne County)	Jan. 23, 1974
Total	6

Missouri

Anderson, city of (McDonald County)	May 17, 1974
Anniston, town of (Mississippi County)	May 3, 1974
Arcadia, town of (Iron County)	Dec. 28, 1973
Archie, town of (Cass County)	June 7, 1974
Ava, city of (Douglas County)	May 17, 1974
Ballwin, city of (St. Louis County)	June 7, 1974
Bland, city of (Gasconade County)	May 17, 1974
Bloomfield, city of (Stoddard County)	Dec. 28, 1973
Bolivar, city of (Polk County)	Mar. 15, 1974
Breckenridge Hills, city of (St. Louis County)	Dec. 7, 1973
Brookfield, city of (Linn County)	Feb. 1, 1974
Brunswick, town of (Chariton County)	Mar. 29, 1974
Buckner, town of (Jackson County)	Dec. 28, 1973
California, city of (Moniteau County)	Apr. 5, 1974
Cameron, city of (Clinton and Dekalb Counties)	May 17, 1974
Campbell, city of (Dunklin County)	Mar. 29, 1974
Carl Junction, city of (Jasper County)	Feb. 8, 1974
Carrollton, city of (Carroll County)	Jan. 9, 1974
Carterville, town of (Jasper County)	Dec. 28, 1973
Carthage, city of (Jasper County)	Mar. 15, 1974
Center, town of (Ralls County)	July 26, 1973
Clinton, city of (Henry County)	Apr. 12, 1974
Conway, town of (Laclede County)	May 10, 1974
Crane, city of (Stone County)	June 7, 1974
Doniphan, city of (Ripley County)	Mar. 1, 1974
Duenweg, city of (Jasper County)	May 3, 1974
Eldorado Springs, city of (Cedar County)	Dec. 28, 1973
Elvins, city of (St. Francois County)	Dec. 17, 1973
Fairfax, town of (Atchinson County)	May 10, 1974
Fisk, City of (Butler County)	Mar. 29, 1974
Fulton, city of (Callaway County)	May 17, 1974
Gainesville, town of (Ozark County)	Dec. 28, 1973
Garden City, town of (Cass County)	Mar. 29, 1974
Glenaire, village of (Clay County)	June 14, 1974
Granby, city of (Newton County)	Apr. 12, 1974
Hardin, city of (Ray County)	June 7, 1974
Harrisonville, city of (Cass County)	Mar. 15, 1974
Hillsdale, village of (St. Louis County)	Apr. 5, 1974
Illmo, city of (Scott County)	May 3, 1974
Kinloch, city of (St. Louis County)	Jan. 9, 1974
Laddonia, city of (Audrain County)	May 24, 1974
Lamar, town of (Barton County)	Dec. 28, 1973
Lilbourn, city of (New Madrid County)	May 17, 1974
Lincoln, town of (Benton County)	May 31, 1974
Lutesville, city of (Bollinger County)	May 10, 1974
Manchester, city of (St. Louis County)	Dec. 17, 1973
Marble Hill, city of (Bollinger County)	May 10, 1974
Marceline, city of (Linn County)	Mar. 29, 1974
Marionville, city of (Lawrence County)	May 17, 1974
Marlborough, village of (St. Louis County)	May 31, 1974
Marston, city of (New Madrid County)	May 24, 1974
Mary Ridge, village of (St. Louis County)	Apr. 5, 1974
Milan, city of (Sullivan County)	Mar. 1, 1974
Naylor, city of (Ripley County)	Do.
Noel, town of (McDonald County)	May 24, 1974
Norborne, city of (Carroll County)	Apr. 5, 1974
Owensville, city of (Gasconade County)	May 10, 1974

Missouri—Continued

	Date of Identification
Ozark, city of (Christian County)	Dec. 28, 1973
Palmyra, city of (Marion County)	Mar. 8, 1974
Parkville, town of (Platte County)	Jan. 16, 1974
Parma, town of (New Madrid County)	Mar. 29, 1974
Perryville, city of (Perry County)	Mar. 8, 1974
Poplar Bluff, city of (Butler County)	Do.
Puxico, town of (Stoddard County)	Do.
Scott City, city of (Scott County)	Apr. 12, 1974
Slater, city of (Saline County)	May 10, 1974
Stanberry, city of (Gentry County)	May 17, 1974
St. Clair, town of (Franklin County)	Apr. 12, 1974
Town & Country, city of (St. Louis County)	Dec. 28, 1973
Trenton, City of (Grundy County)	Feb. 15, 1974
Van Buren, town of (Carter County)	Jan. 23, 1974
Vandalia, city of (Audrain County)	May 17, 1974
Versailles, city of (Morgan County)	Apr. 5, 1974
Vinita Park, city of (St. Louis County	Do.
Warrensburg, city of (Johnson County)	Dec. 17, 1973
Warsaw, city of (Benton County)	Mar. 29, 1974
Windsor, city of (Henry County)	Apr. 5, 1974
Total	77

Montana

Baker, city of (Fallon County)	Mar. 16, 1974
Big Sandy, town of (Chouteau County)	Mar. 29, 1974
Choteau, city of (Teton County)	Mar. 22, 1974
Darby, town of (Ravalli County)	Jan. 9, 1974
Ennis, town of (Madison County)	Mar. 15, 1974
Forsyth, city of (Rosebud County)	
Fort Benton, city of (Chouteau County)	Mar. 8, 1974 May 10, 1974
Glasgow, city of (Valley County)	Jan. 9, 1974
Hot Springs, town of (Sanders County)	June 7, 1974
Kalispell, city of (Flathead County)	Feb. 15, 1974
Libby, city of (Lincoln County)	May 31, 1974
Nashua, town of (Valley County)	Apr. 5, 1974
Plains, town of (Sanders County)	Mar. 22, 1974
Red Lodge, City of (Carbon County)	May 24, 1974
Three Forks, town of (Galla-	
Twin Bridges, town of (Madison County)	Mar. 29, 1974
tin County)	Do.
son County)	
White Sulphur Springs, city of (Meager County)	May 24, 1974
Whitefish, city of (Flathead County)	May 31, 1974
Total	18

Nebraska

	Date of Identification
Auburn, city of (Nemaha County)	Dec. 17, 1973
Bennington, village of (Douglas County)	Feb. 1, 1973
Blue Springs, city of (Gage County)	Jan. 9, 1974
Brule, village of (Keith County)	May 24, 1974
Cairo, town of (Hall County)	Do.
Clay Center, city of (Clay County)	Mar. 22, 1974
Culberton, village of (Hitchcock County)	May 10, 1974
Edgar, city of (Clay County)	Apr. 12, 1974
Elm Creek, village of (Buffalo County)	May 31, 1974
Ewing, village of (Holt County)	May 3, 1974
Fullerton, city of (Nance County)	June 7, 1974
Gibbon, city of (Buffalo County)	May 31, 1974
Harvard, city of (Clay County)	Mar. 22, 1974
Hay Springs, city of (Sheridan County)	Do.
Nickerson, town of (Dodge County)	Jan. 23, 1974
Oakdale, village of (Antelope County)	Dec. 28, 1973
Ord, town of (Valley County)	Apr. 5, 1974
Osceola, city of (Polk County)	Mar. 22, 1974
Overton, village of (Dawson County)	June 14, 1974
O'Neill, city of (Holt County)	Jan. 23, 1974
Paxton, Village of (Keith County)	May 24, 1974
Ponca, City of (Dixon County)	Apr. 12, 1974
Ralston, city of (Douglas County)	Jan. 23, 1974
Rushville, city of (Sheridan County)	May 3, 1974
Shelton, village of (Buffalo County)	Mar. 22, 1974
Stromsburg, city of (Polk County)	June 7, 1974
Sutton, city of (Clay County)	Do.
Terrtown, village of (Scotts Bluff County)	Dec. 17, 1973
Wisner, town of (Cuming County)	Dec. 7, 1973
Total	29

Nevada

Caliente, city of (Lincoln County)	Mar. 29, 1974
Carson City, city of (Carson City County)	May 24, 1974
Sparks, city of (Washoe County)	Feb. 8, 1974
Total	3

New Hampshire

Allenstown, town of (Merrimack County)	Apr. 5, 1974
Bath, town of (Grafton County)	Mar. 1, 1974
Bedford, Town of (Hillsborough County)	Mar. 29, 1974
Bennington, town of (Hillsborough County)	Mar. 8, 1974
Boscawen, town of (Merrimack County)	Mar. 15, 1974
Campton, town of (Grafton County)	Apr. 5, 1974
Charlestown, town of (Sullivan County)	May 31, 1974

New Hampshire—Continued

	Date of Identificatio
Chichester, town of (Merrimack County)	Apr. 5, 1974
Derring, town of (Hillsborough County)	Mar. 15, 197
Epsom, town of (Merrimack County)	Do.
Francestown, town of (Hillsborough County)	June 14, 197
Franklin, city of (Merrimack County)	Mar. 8, 1974
Gilsum, town of (Cheshire County)	May 31, 197
Gorham, town of (Coos County)	Mar. 1, 1974
Haverhill, town of (Grafton County)	Mar. 8, 1974
Hennicker, town of (Merrimack County)	Mar. 15, 197
Holderness, town of (Grafton County)	Mar. 22, 197
Hudson, Town of (Hillsborough County)	Mar. 8, 1974
Litchfield, town of (Hillsborough County)	Mar. 15, 197
Littleton, town of (Grafton County)	May 31, 197
Meredith, town of (Belknap County)	June 14, 197
New Castle, town of (Rockingham County)	May 31, 197
New Hampton, town of (Belknap County)	Mar. 8, 1974
Northfield, town of (Merrimack County)	Mar. 22, 197
Northumberland, town of (Coos County)	Feb. 22, 1974
Pembroke, town of (Merrimack County)	May 3, 1974
Pittsfield, town of Merrimack County)	Mar. 15, 1974
Plymouth, town of (Grafton County)	May 3, 1974
Rumney, town of (Grafton County)	Mar. 15, 1974
Tilton, town of (Belknap County)	Mar. 22, 197
Unity, town of (Sullivan County)	May 31, 1974
Total	31

New Jersey

Audubon, borough of (Camden County)	Mar. 29, 197
Bayonne, city of (Hudson County)	May 17, 1974
Bogota, borough of (Bergen County)	May 31, 1974
Bradley Beach, borough of (Monmouth County)	Dec. 28, 1973
Butler, borough of (Morris County)	Feb. 1, 1974
Colts Neck, township of (Monmouth County)	Apr. 12, 1974
Fairview, borough of (Bergen County)	Feb. 1, 1974
Franklin, borough of (Sussex County)	May 17, 197
Hamburg, borough of (Sussex County)	June 14, 197
Hampton, borough of (Hunterdon County)	June 7, 1974
Hasbrouck Heights, borough of (Bergen County)	Nov. 30, 197
Kinnelon, borough of (Morris County)	July 13, 197
Little Ferry, borough of (Bergen County)	Dec. 28, 197
Maple Shade, township of (Burlington County)	Mar. 15, 197
Morristown, town of (Morris County)	Feb. 1, 197

New Jersey—Continued

	Date of Identification
North Arlington, borough of (Bergen County)	Mar. 29, 1974
Oaklyn, borough of (Camden County)	Feb. 22, 1974
Ogdensburg, borough of (Sussex County)	May 17, 1974
Pitman, borough of Gloucester County)	Mar. 15, 1974
Prospect Park, borough of (Passaic County)	May 3, 1974
Red Bank, borough of (Monmouth County)	Mar. 8, 1974
Roseland, borough of (Essex County)	June 29, 1973
Rutherford, borough of (Bergen County)	Apr. 12, 1974
Seaside Heights, borough of (Ocean County)	Mar. 22, 1974
Shrewsbury, borough of (Monmouth County)	June 7, 1974
Susex, borough of (Sussex County)	June 14, 1974
Upper Freehold, township of (Monmouth County)	Mar. 22, 1974
West New York, town of (Hudson County)	May 31, 1974
Westville, borough of (Gloucester County)	Mar. 8, 1974
Winfield, township of (Union County)	Do.
Woodcliff Lake, borough of (Bergen County)	Feb. 22, 1974
Total	31

New Mexico

Cimarron, village of (Colfax County)	May 17, 1974
Hagerman, town of (Chaves County)	May 31, 1974
Silver City, town of (Grant County)	June 14, 1974
Taos, town of (Taos County).	May 17, 1974
Total	4

New York

Adams, town of (Jefferson County)	May 31, 1974
Alabama, town of (Genesee County)	May 3, 1974
Albion, village of (Orleans County)	May 24, 1974
Alexandria, town of (Jefferson County)	May 31, 1974
Antwerp, village of (Jefferson County)	Do.
Arcade, village of (Wyoming County)	Do.
Baldwin, town of (Chemung County)	Do.
Ballston Spa, village of (Saratoga County)	Do.
Barker, town of (Broome County)	Feb. 15, 1974
Batavia, town of (Genesee County)	May 3, 1974
Baxter Estates, village of (Nassau County)	June 14, 1974
Bolivar, village of (Allegany County)	May 17, 1974
Boonville, village of (Oneida County)	May 31, 1974
Boston, town of (Erie County)	Apr. 12, 1974
Brant, town of (Erie County)	June 14, 1974
Bridgewater, village of (Oneida County)	May 17, 1974
Brockport, village of (Monroe County)	May 31, 1974
Cambria, town of (Niagara County)	Apr. 12, 1974
Canaseraga, village of (Allegany County)	May 10, 1974
Canastota, village of (Madison County)	Mar. 29, 1974

New Mexico—Continued

	Date of Identification
Candor, village of (Tioga County)	May 31, 1974
Castleton on the Hudson, village of (Rensselaer County)	Mar. 1, 1974
Celoron, village of (Chautauqua County)	Feb. 15, 1974
Central Square, village of (Oswego County)	May 17, 1974
Champion, town of (Jefferson County)	May 31, 1974
Champlain, village of (Clinton County)	Do.
Chaumont, village of (Jefferson County)	May 17, 1974
Chenango, town of (Broome County)	Mar. 8, 1974
Cherry Creek, village of (Chautauqua County)	May 10, 1974
Cincinnatus, town of (Cortland County)	Apr. 5, 1974
Claytton, town of (Jefferson County)	June 14, 1974
Clayville, village of (Oneida County)	May 24, 1974
Cleveland, village of (Oswego County)	May 31, 1974
Clyde, village of (Wayne County)	Do.
Cold Spring, village of (Putnam County)	Mar. 8, 1974
Columbia, town of (Herkimer County)	Mar. 29, 1974
Constantia, town of (Oswego County)	Apr. 5, 1974
Croghan, village of (Lewis County)	May 31, 1974
Danube, town of (Herkimer County)	Apr. 5, 1974
De Ruyter, village of (Madison County)	May 24, 1974
Dickinson, town of (Broome County)	Mar. 8, 1974
Dobbs Perry, village of (Westchester County)	May 17, 1974
Earlville, village of (Madison County)	May 31, 1974
East Syracuse, village of (Onondaga County)	Apr. 12, 1974
Eaton, town of (Madison County)	May 3, 1974
Elmsford, village of (Westchester County)	Apr. 12, 1974
Evans Mills, village of (Jefferson County)	May 17, 1974
Fairfield, town of (Herkimer County)	Mar. 29, 1974
Falconer, village of (Chautauqua County)	Feb. 22, 1974
Filmore, village of (Allegany County)	Feb. 1, 1974
Florida, village of Orange County)	Mar. 22, 1974
Fonda, village of (Montgomery County)	Mar. 1, 1974
Fort Ann, village of (Washington County)	Apr. 12, 1974
Fort Johnson, village of (Montgomery County)	Mar. 15, 1974
Franklinville, village of (Cattaraugus County)	May 31, 1974
Franklin, village of (Delaware County)	Do.
Freedom, town of (Cattaraugus County)	Do.
Freeville, village of (Tompkin County)	Do.
Galway, town of (Saratoga County)	June 14, 1974
Glen Park, village of (Jefferson County)	Mar. 29, 1974
Gouverneur, village of (St. Lawrence County)	May 24, 1974
Granby, town of (Oswego County)	May 3, 1974

New Mexico—Continued

	Date of Identification
Greene, village of (Chenango County)	Apr. 12, 1974
Groton, village of (Tompkins County)	Do
Hamilton, town of (Madison County)	May 31, 1974
Harriman, village of (Orange County)	Mar. 8, 1974
Haverstraw, village of (Rockland County)	Apr. 12, 1974
Hobart, village of (Delaware County)	May 24, 1974
Holland, town of (Erie County)	June 14, 1974
Hudson Falls, village of (Washington County)	May 31, 1974
Ischua, town of (Cattaraugus County)	Do.
Keeseville, village of (Essex County)	Do.
Kensington, village of (Nassau County)	June 14, 1974
Lebanon, town of (Madison County)	May 31, 1974
Lenox, town of (Madison County)	May 10, 1974
Leon, town of (Cattaraugus County)	May 31, 1974
Limestone, village of (Cataraugus County)	May 17, 1974
Lincoln, town of (Madison County)	Apr. 12, 1974
Lisle, town of (Broome County)	Feb. 15, 1974
Litchfield, town of (Herkimer County)	Mar. 15, 1974
Little Falls, town of (Herkimer County)	Apr. 5, 1974
Little Valley, village of (Cataraugus County)	May 31, 1974
Livingston, town of (Columbia County)	May 24, 1974
Lorraine, town of (Jefferson County)	May 10, 1974
Lyons, village of (Wayne County)	May 3, 1974
Manheim, town of (Herkimer County)	Mar. 8, 1974
Mansfield, town of (Cataraugus County)	May 31, 1974
Marilla, town of (Erie County)	May 17, 1974
Mechanicville, city of (Saratoga County)	Apr. 5, 1974
Medina, village of (Orleans County)	May 24, 1974
Middleburg, village of (Schoharie County)	May 31, 1974
Milton, town of (Saratoga County)	June 14, 1974
Minisink, town of (Orange County)	Apr. 12, 1974
Mohawk, town of (Montgomery County)	Feb. 15, 1974
Montezuma, town of (Cayuga County)	May 31, 1974
Montgomery, town of (Orange County)	Mar. 22, 1974
Moravia, town of (Cayuga County)	June 14, 1974
Moravia, village of (Cayuga County)	May 3, 1974
Morristown, village of (St. Lawrence County)	May 31, 1974
Morrisville, village of (Madison County)	Mar. 8, 1974
Mount Hope, town of (Orange County)	May 24, 1974
Manticoke, town of (Broome County)	Apr. 12, 1974
Napoli, town of (Cataraugus County)	June 14, 1974
Nassau, village of (Rensselaer County)	Mar. 22, 1974

New Mexico—Continued

	Date of Identification
Nelliston, village of (Montgomery County)	Feb. 15, 1974
New Berlin, village of (Chenango County)	May 31, 1974
New Lebanon, town of (Columbia County)	Apr. 12, 1974
New Scotland, township of (Albany County)	May 10, 1974
Newstead, town of (Erie County)	Apr. 12, 1974
Nichols, village of (Tioga County)	June 7, 1974
North Syracuse, village of (Onondaga County)	Do.
Olive, town of (Ulster County)	Do.
Orchard Park, village of (Erie County)	Do.
Oswego, town of (Oswego County)	May 31, 1974
Otisco, town of (Onondaga County)	Do.
Otto, town of (Cataraugus County)	Do.
Owasco, town of (Cayuga County)	Do.
Palatine Bridge, village of (Montgomery County)	Feb. 15, 1974
Peekskill, city of (Westchester County)	May 31, 1974
Pelham, village of (Westchester County)	May 17, 1974
Perrysburg, town of (Cattaraugus County)	May 17, 1974
Perry, village of (Wyoming County)	May 24, 1974
Poland, village of (Herkimer County)	Mar. 8, 1974
Port Byron, village of (Cayuga County)	May 3, 1974
Putnam Valley, town of (Putnam County)	Mar. 29, 1974
Richmondville, village of (Schoharie County)	May 31, 1974
Rosendale, town of (Ulster County)	Do.
Round Lake, village of (Saratoga County)	Do.
Rouses Point, village of (Clinton County)	June 14, 1974
Rutland, town of (Jefferson County)	June 7, 1974
Saddle Rock, village of (Nassau County)	June 14, 1974
Salem, village of (Washington County)	Apr. 12, 1974
Salisbury, town of (Herkimer County)	June 7, 1974
Sandy Creek, town of (Oswego County)	May 24, 1974
Schaghticoke, village of (Rensselaer County)	May 31, 1974
Schoharie, village of (Schoharie County)	Do.
Schuylerville, village of (Saratoga County)	Mar. 29, 1974
Scottsville, village of (Monroe County)	Mar. 8. 1974
Sempronius, town of (Cayuga County)	May 31, 1974
Sennett, town of (Cayuga County)	June 14. 1974
Sherburne, village of (Chenango County)	May 31, 1974
Sidney, town of (Delaware County)	Apr. 12, 1974
Sidney, village of (Delaware County)	Feb. 8, 1974
Sinclairville, village of (Chautauqua County)	May 10, 1974
Sloatsburg, village of (Rockland county)	Mar. 22, 1974
South Dayton, village of (Cattaraugus County)	May 31, 1974
South Glens Falls, village of (Saratoga County)	Apr. 12, 1974
South Nyack, village of (Rockland County)	Mar. 15, 1974
Springville, village of (Erie County)	May 17, 1974
Stamford, village of (Delaware County)	Do.
Summerhill, town of (Cayuga County)	May 31, 1974
Tannersville, village of (Greene County)	June 7, 1974
Theresa, village of (Jefferson County)	May 10, 1974
Throop, town of (Cayuga County)	Apr. 12, 1974
Torrey, town of (Yates County)	May 31, 1974
Triangle, town of (Broome County)	Apr. 5, 1974
Truxton, town of (Cortland County)	Do.
Tuckahoe, village of (Westchester County)	May 10, 1974
Turin, town of (Lewis County)	June 7, 1974
Upper Nyack, village of (Rockland County)	Mar 15, 1974
Victory, village of (Saratoga County)	Apr. 5, 1974
Wales, town of (Erie County)	May 10, 1974
Waterloo, village of (Seneca County)	May 31, 1974
Watertown, city of (Jefferson County)	Apr. 5, 1974
Watertown, town of (Jefferson County)	Do.
West Carthage, village of (Jefferson County)	May 10, 1974
Whitney Point, village of (Broome County)	Feb. 22, 1974
Wilton, town of (Saratoga County)	June 14, 1974
Wyoming, village of (Wyoming County)	May 17, 1974
Total	169

North Carolina

	Date of Identification
Andrews, city of (Cherokee County)	Mar. 8, 1974
Bladenboro, town of (Bladen County)	Nov. 30, 1974
Burnsville, city of (Yancey County)	Mar. 8, 1974
Carrboro, village of (Orange County)	Feb. 22, 1974
Chadbourn, town of (Columbus County)	May 24, 1974
China Grove, town of (Rowan County)	Jan. 9, 1974
Columbia, town of (Tyrell County)	Feb. 8, 1974
Conetoe, town of (Edgecombe County)	Jan. 9, 1974
Dillsboro, city of (Jackson County)	Mar. 8, 1974
Elizabethtown, town of (Bladen County)	Dec. 28, 1973
Enfield, town of (Halifax County)	Nov. 30, 1973
Franklinville, town of (Randolph County)	Feb. 22, 1974
Gatesville, town of (Gates County)	Do.
Jonesville, town of (Yadkin County)	Mar. 1, 1974
Knightdale, town of (Wake County)	Apr. 12, 1974
Lake Waccamaw, town of (Columbus County)	Dec. 28, 1973
Lansing, town of (Ashe County)	Feb. 22, 1974
Lincolnton, city of (Lincoln County)	Apr. 5, 1974
Macclesfield, town of (Edgecombe County)	Jan. 9, 1974
Newland, town of (Avery County)	June 14, 1974
Pinetops, town of (Edgecombe County)	Jan. 9, 1974
Robbinsville, town of (Graham County)	June 14, 1974
Robersonville, town of (Martin County)	June 7, 1974
Rutherfordton, town of (Rutherford County)	Mar. 1, 1974
Sparta, city of (Alleghany County)	Feb. 15, 1974
Speed, town of (Edgecombe County)	Jan. 9, 1974
Spruce Pine, town of (Mitchell County)	June 14, 1974
Sylva, city of (Jackson County)	Mar. 8, 1974
Vanceboro, town of (Craven County)	Mar. 1, 1974
Waynesville, city of (Haywood County)	Mar. 8, 1974
Whitakers, town of (Edgecomb County)	May 24, 1974
Total	31

North Dakota

	Date of Identification
Belfield, city of (Stark County)	May 24, 1974
Bowman, city of (Bowman County)	Mar. 29, 1974
Hatton, city of (Trail County)	May 10, 1974
Lakota, city of (Nelson County)	May 3, 1974
Leeds, city of (Benson County)	Apr. 5, 1974
Maddock, city of (Benson County)	Mar. 8, 1974 & Nov. 15, 1973
New Rockford, city of (Eddy County)	Nov. 23, 1973
Portland, city of (Trail County)	May 10, 1974
Rugby, city of (Pierce County)	Mar. 22, 1974
Turtle Lake, city of (McLean County)	Do.
Washburn, city of (McLean County)	Do.
Wilton, city of (McLean and Burleigh Counties)	May 24, 1974
Total	12

Ohio

	Date of Identification
Ada, city of (Hardin County)	June 7, 1974
Addyston, village of (Hamilton County)	Mar. 1, 1974
Alexandria, village of (Licking County)	May 31, 1974
Alliance, city of (Stark County)	June 7, 1974
Amsterdam, village of (Jefferson County)	Apr. 12, 1974
Antwerp, village of (Paulding County)	Mar. 29, 1974
Apple Creek, village of Wayne County)	Do.
Arlington Heights, village of (Hamilton County)	Feb. 1, 1974
Arlington, village of (Hancock County)	May 17, 1974
Ashley, village of (Delaware County)	Jan. 23, 1974
Aurora, city of (Portage County)	May 10, 1974
Avon, city of (Lorain County)	Apr. 12, 1974
Bainbridge, village of (Ross County)	Mar. 29, 1974
Barnesville, village of (Belmont County)	June 7, 1974
Batavia, village of (Clermont County)	Nov. 30, 1973

Ohio—Continued	*Date of Identification*
Bedford, city of (Cuyahoga County)	Feb. 8, 1974
Bellaire, city of (Belmont County)	Do.
Berlin Heights, village of (Erie County)	Apr. 5, 1974
Bettsville, village of (Seneca County)	Apr. 12, 1974
Blanchester, village of (Clinton County)	Apr. 5, 1974
Botkins, village of (Shelby County)	May 31, 1974
Brecksville, city of (Cuyahoga County)	Feb. 8, 1974
Brooklyn, city of (Cuyahoga County)	Mar. 22, 1974
Dennison, village of (Tusgomery County)	Feb. 15, 1974
Bryan, city of (Williams County)	June 7, 1974
Cadiz, village of (Harrison County)	May 31, 1974
Caldwell, village of (Noble County)	June 7, 1974
Caledonia, village of (Marion County)	Apr. 5, 1974
Cambridge, city of (Guernsey County)	May 31, 1974
Camden, village of (Preble County)	May 10, 1974
Canfield, village of (Mahoning County)	May 17, 1974
Castalia, village of (Erie County)	Mar. 29, 1974
Centerburg, village of (Knox County)	May 17, 1974
Chagrin Falls, village of (Cuyahoga County)	Mar. 15, 1974
Chardon, village of (Geauga County)	Jan. 9, 1974
Cheviot, city of (Hamilton County)	June 7, 1974
Christiansburg, village of (Champaign County)	Feb. 1, 1974
Coal Grove, village of (Lawrence County)	June 14, 1974
Coalton, village of (Jackson County)	Feb. 1, 1974
Coldwater, village of (Mercer County)	June 7, 1974
Columbiana, village of (Columbiana County)	May 3, 1974
Columbus Grove, village of (Putnam County)	Feb. 8, 1974
Convoy, village of (Van Wert County)	May 31, 1974
Corning, village of (Perry County)	May 10, 1974
Coshocton, city of (Coshocton County)	Jan. 23, 1974
Covington, village of (Miami County)	June 7, 1974
Creston, village of (Wayne County)	Feb. 1, 1974
Crooksville, village of (Perry County)	Do.
Cuyahoga Heights, village of (Cuyahoga County)	Mar. 29, 1974
Cygnet, village of (Wood County)	May 10, 1974
Delphos, city of (Allen County)	May 17, 1974
Dennison, village of (Tuscarawas County)	Mar. 15, 1974
Donnelsville, village of (Clark County)	Feb. 1, 1974
East Liverpool, city of (Columbiana County)	Jan. 16, 1974
East Palestine, city of (Columbiana County)	Do.
East Sparta, village of (Stark County)	Apr. 5, 1974
Elida, village of (Allen County)	Mar. 29, 1974
Empire, village of (Jefferson County)	Mar. 15, 1974

Ohio—Continued	*Date of Identification*
Euclid, city of (Cuyahoga County)	Apr. 5, 1974
Evendale, village of (Hamilton County)	Mar. 1, 1974
Fairlawn, city of (Summit County)	Mar. 29, 1974
Fort Jennings, village of (Putnam County)	May 31, 1974
Fort Recovery, village of (Mercer County)	June 7, 1974
Frankfort, village of (Ross County)	Apr. 12, 1974
Fredericktown, village of (Knox County)	April 5, 1974
Galion, city of (Crawford County)	Mar. 15, 1974
Garfield Heights, city of (Cuyahoga County)	Apr. 15, 1974
Garretsville, village of (Portage County)	Apr. 12, 1974
Girard, city of (Trumbull County)	Jan. 23, 1974
Gloria Glens Park, Village of (Medina County)	Mar. 15, 1974
Glouster, village of (Athens County)	May 17, 1974
Grand River, village of (Lake County)	Feb. 8, 1974
Green Camp, village of (Marion County)	Nov. 16, 1973
Green Springs, village of (Sandusky County)	Mar. 1, 1974
Greenfield, village of (Highland County)	Do.
Hamden, village of (Vinton County)	Feb. 1, 1974
Hambler, Village of (Henry County)	Apr. 12, 1974
Harrison, village of (Hamilton County)	Feb. 15, 1974
Hebron, village of (Licking County)	May 3, 1974
Hicksville, village of (Defiance County)	May 17, 1974
Hillsboro, city of (Highland County)	Do.
Holgate, village of (Henry County)	May 3, 1974
Independence, city of (Cuyahoga County)	Feb. 1, 1974
Jackson Center, village of (Shelby County)	May 31, 1974
Jacksonville, village of (Athens County)	May 17, 1974
Jackson, city of (Jackson County)	Do.
Jeffersonville, village of (Fayette County)	Do.
Jeromesville, village of (Ashland County)	May 3, 1974
Kalida, village of (Putnam County)	Mar. 1, 1974
Kenton, city of (Hardin County)	Jan. 9, 1974
Killbuck, village of (Holmes County)	May 3, 1974
Lakemore, village of (Summit County)	Feb. 8, 1974
Lancaster, City of (Fairfield County)	May 17, 1974
Leesburg, village of (Highland County)	Apr. 5, 1974
Leetonia, village of (Columbiana County)	May 3, 1974
Lincoln Heights, village of (Hamilton County)	Feb. 1, 1974
Lisbon, village of (Columbiana County)	Apr. 12, 1974
Lockland, city of (Columbiana County)	Do.
Lodi, village of (Medina County)	Mar. 15, 1974
Logan, city of (Hocking County)	May 31, 1974
London, City of (Madison County)	May 10, 1974

Ohio—Continued	*Date of Identification*
Loudonville, village of (Ashland County)	May 31, 1974
Louisville, city of (Stark County)	May 17, 1974
Lowellville, village of (Mahoning County)	Apr. 5, 1974
Lucas, village of (Richland County)	Do.
Lynchburg, village of (Highland County)	Mar. 29, 1974
Madison, Village of (Lake County)	May 10, 1974
Magnolia, village of (Carroll County)	May 3, 1974
Mantua, village of (Portage County)	Feb. 8, 1974
Maple Heights, City of (Cuyahoga County)	Do.
Mariemont, village of (Washington County)	Do.
Maumee, city of (Lucas County)	Do.
McComb, village of (Hancock County)	May 10, 1974
McConnelsville, village of (Morgan County)	May 17, 1974
McDonald, village of (Trumbull County)	Do.
McGuffey, village of (Hardin County)	May 10, 1974
Mechanicsburg, village of (Champaign County)	Feb. 1, 1974
Mendon, village of (Mercer County)	June 14, 1974
Milan, village of (Erie County)	Apr. 12, 1974
Milbury, village of (Wood County)	Mar. 1, 1974
Millville, village of (Butler County)	June 7, 1974
Monroeville, village of (Huron County)	Nov. 2, 1973
Monroe, village of (Butler County)	May 17, 1974
Montpelier, village of (Williams County)	May 31, 1974
Moraine, Village of (Montgomery County)	Mar. 1, 1974
Moreland Hills, village of (Cuyahoga County)	Feb. 8, 1974
Mount Healthy, city of (Hamilton County)	June 7, 1974
Napoleon, city of (Henry County)	May 31, 1974
Nelsonville, village of (Athens County)	May 10, 1974
New Holland, village of (Pickaway County)	Apr. 5, 1974
New Lexington, village of (Perry County)	May 17, 1974
New Matamoras, village of (Washington County)	Apr. 5, 1974
New Miami, village of (Butler County)	Feb. 8, 1974
New Philadelphia, city of (Tuscarawas County)	Mar. 15, 1974
Newburgh Heights, village of (Cuyahoga County)	Do.
Newcomerstown, village of (Tuscarawas County)	May 17, 1974
Newton, village of (Hamilton County)	Feb. 1, 1974
North Bend, village of (Hamilton County)	Mar. 15, 1974
North Fairfield, village of (Huron County)	Do.
North Ridgeville, city of (Lorain County)	June 7, 1974
Norton, city of (Summit County)	Mar. 15, 1974
Oak Harbor, village of (Ottawa County)	Mar. 1, 1974

Ohio—Continued	Date of Identification
Oakwood Village, village of (Cuyahoga County)	May 17, 1974
Oakwood, village of (Paulding County)	Do.
Obetz, village of (Franklin County)	Feb. 15, 1974
Ontario, village of (Richland County)	Apr. 5, 1974
Ottawa Hills, village of (Lucas County)	Nov. 9, 1973
Payne, village of (Paulding County)	May 3, 1974
Peninsula, village of (Summit County)	Mar. 22, 1974
Perrysburg, city of (Wood County)	Do.
Piketon, village of (Pike County)	Nov. 23, 1974
Pioneer, village of (Williams County)	May 31, 1974
Plymouth, village of (Huron County)	May 3, 1974
Pomeroy, village of (Meigs County)	Feb. 15, 1974
Racine, village of (Meigs County)	Mar. 22, 1974
Reading, city of (Hamilton County)	Feb. 8, 1974
Richmond Heights, city of (Cuyahoga County)	Mar 22, 1974
Richwood, village of (Union County)	May 17, 1974
Riverside, village of (Montgomery County)	Feb. 15, 1974
Rock Creek, village of (Ashtabula County)	Apr. 5, 1974
Rockford, village of (Mercer County)	Apr. 12, 1974
Rogers, village of (Columbiana County)	Mar. 22, 1974
Roseville, city of (Muskingum County)	Feb. 15, 1974
Rossford, city of (Wood County)	Mar. 1, 1974
Russells Point, village of (Logan County)	Apr. 5, 1974
Salem, city of (Columbiana County)	May 3, 1974
Seven Hills, city of (Cayuhoga County)	Mar. 22, 1974
Seven Mile, village of (Butler County)	June 14, 1974
Seville, village of (Medina County)	Mar. 15, 1974
Shawnee Hills, village of (Delaware County)	Feb. 8, 1974
Shelby, city of (Richland County)	Nov. 9, 1974
Shreve, village of (Wayne County)	Mar. 29, 1974
Smithville, village of (Wayne County)	Apr. 5, 1974
Solon, city of (Cuyahoga County)	Do.
St. Paris, village of (Champaign County)	June 7, 1974
Sugar Creek, village of (Tuscarawas County)	May 31, 1974
Syracuse, village of (Meigs County)	Apr. 5, 1974
Terrace Park, village of (Hamilton County)	Feb. 8, 1974
Toronto, city of (Jefferson County)	Jan. 16, 1974
Tuscarawas, village of (Tuscarawas County)	Apr. 5, 1974
Upper Sandusky, city of (Wyandot County)	Jan. 9, 1974
Valley View, village of (Cuyahoga County)	Jan. 23, 1974
Van Buren, village of (Hancock County)	Mar. 22, 1974
Vandalia, city of (Montgomery County)	June 7, 1974
Versailles, village of (Darke County)	Apr. 5, 1974
Wadsworth, city of (Medina County)	Mar. 1, 1974
Waite Hill, village of (Lake County)	Dec. 17, 1973
Wakeman, village of (Huron County)	Nov. 9, 1973
Warrensville Heights, city of (Cuyahoga County)	Mar. 15, 1974
Washingtonville, village of (Columbiana and Mahoning Counties)	Nov. 9, 1973
Wauseon, village of (Fulton County)	June 7, 1974
Wellington, village of (Lorain County)	Jan. 9, 1974
Wellston, city of (Jackson County)	Feb. 15, 1974
West Lake, city of (Cuyahoga County)	Apr. 12, 1974
Whitehouse, village of (Lucas County)	Mar. 29, 1974
Williamsburg, village of (Clermont County)	Do.
Windham, village of (Portage County)	Mar. 15, 1974
Wintersville, village of (Jefferson County)	May 31, 1974
Woodlawn, village of (Hamilton County)	Feb. 1, 1974
Woodsfield, village of (Monroe County)	June 7, 1974
Woodville, village of (Sandusky County)	Mar. 15, 1974
Total	202
Oklahoma	
Anadarko, city of (Caddo County)	Feb. 15, 1974
Barnsdale, city of (Osage County)	Dec. 17, 1973
Binger, town of (Caddo County)	June 7, 1974
Boley, town of (Okfuskee County)	Apr. 12, 1974
Boswell, town of (Choctaw County)	Mar. 15, 1974
Carnegie, town of (Caddo County)	Dec. 7, 1973
Chelsea, city of (Rogers County)	Dec. 28, 1973
Crescent, city of (Logan County)	May 10, 1974
Dewey, city of (Washington County)	May 31, 1974
Fairfax, town of (Osage County)	Dec. 28, 1973
Fort Supply, town of (Woodward County)	May 24, 1974
Guthrie, city of (Logan County)	Dec. 28, 1973
Haskell, town of (Muskogee County)	Apr. 12, 1974
Healdton, city of (Carter County)	Dec. 28, 1973
Henryetta, city of (Okmulgee County)	Jan. 23, 1974
Hobart, city of (Kiowa County)	Dec. 7, 1973
Hominy, city of (Osage County)	Dec. 28, 1973
Hulbert, town of (Cherokee County)	Apr. 12, 1974
Idabel, city of (McCurtain County)	Jan. 23, 1974
Inola, city of (Rogers County)	May 10, 1974
Donawa, city of (Seminole County)	Apr. 5, 1974
Krebs, city of (Pittsburg County)	Dec. 28, 1973
Lone Wolf, town of (Kiowa County)	May 3, 1974
Oklahoma—Continued	Date of Identification
Madill, city of (Marshall County)	Nov. 23, 1973
Marlow, city of (Stephens County)	Dec. 28, 1973
Newcastle, town of (McLain County)	June 7, 1974
Pryor, city of (Mayes County)	Feb. 1, 1974
Roff, city of (Pontotoc	Mar. 22, 1974
Seiling, city of (Dewey County)	May 24, 1974
Shattuck, town of (Ellis County)	Do.
Thomas, city of (Custer County)	Apr. 5, 1974
Tishomingo, city of (Johnston County)	Jan. 16, 1974
Tonkawa, city of (Kay County)	Nov. 23, 1973
Vian, town of (Sequoyah County)	May 3, 1974
Weleetka, city of (Okfuskee County)	June 14, 1974
Total	35
Oregon	
Aumsville, city of (Carion County)	May 10, 1974
Brokings, city of (Curry County)	May 31, 1974
Canby, city of (Clackamas County)	Nov. 16, 1973
Chiloquin, town of (Klamath County)	Nov. 30, 1974
Drain, city of (Douglas County)	Apr. 5, 1974
Falls City, city of (Polk County)	May 10, 1974
Huntington, city of (Baker County)	Nov. 30, 1973
Powers, city of (Coos County)	Nov. 23, 1973
Rainier, city of (Columbia County)	May 24, 1974
Riddle, city of (Douglas County)	June 7, 1974
Sisters, city of (Deschutes County)	Dec. 7, 1973
Turner, city of (Marion County)	Jan. 16, 1974
Weston, city of (Umatilla County)	May 17, 1974
Yamhill, city of (Yamhill County)	Nov. 30, 1973
Yoncalla, city of (Douglas County)	Apr. 5, 1974
Total	15
Pennsylvania	
Alburtis, borough of (Lehigh County)	Jan. 16, 1974
Aleppo, township of (Allegheny County)	May 10, 1974
Auburn, borough of (Schuylkill County)	Jan. 23, 1974
Austin, borough of (Potter County)	May 17, 1974
Avalon, borough of (Allegheny County)	Feb. 1, 1974
Avonmore, borough of (Westmoreland County)	Do.
Bally, borough of (Berks County)	June 7, 1974
Beaver, borough of (Beaver County)	Mar. 15, 1974
Bell Acres, borough of (Allegheny County)	June 7, 1974
Bellevue, borough of (Allegheny County)	Dec. 28, 1973
Ben Avon, borough of (Allegheny County)	Do.
Bethel, township of (Armstrong County)	May 31, 1974

Pennsylvania—Continued

	Date of Identification
Bowmanstown, borough of (Carbon County)	Jan. 16, 1974
Boyertown, borough of (Berks County)	Dec. 28, 1973
Brecknock, township of (Lancaster County)	May 19, 1974
Burgettstown, borough of (Washington County)	Jan. 23, 1974
Central City, borough of (Somerset County)	June 7, 1974
Cheswick, borough of (Allegheny County)	Feb. 1, 1974
Clairton, city of (Allegheny County)	Jan. 16, 1974
Coalport, borough of (Clearfield County)	May 3, 1974
Dawson, borough of (Fayette County)	Dec. 28, 1973
East Pittsburgh, borough of (Allegheny County)	Mar. 29, 1974
East Rochester, borough of (Beaver County)	Feb. 1, 1974
Vandergrift, borough of (Westmoreland County)	Apr. 5, 1974
Economy, borough of (Beaver County)	Do.
Elizabeth, borough of (Allegheny County)	Jan. 9, 1974
Fairfield, township of (Crawford County)	May 31, 1974
Fayette City, borough of (Fayette County)	Feb. 22, 1974
Garrett, borough of (Somerset County)	Apr. 12, 1974
Grampian, borough of (Clearfield County)	Do.
Houtzdale, borough of (Clearfield County)	May 17, 1974
Irvona, borough of (Clearfield County)	Apr. 12, 1974
Lansford, borough of (Carbon County)	June 7, 1974
Liberty, borough of (Allegheny County)	Dec. 28, 1973
Ligonier, borough of (Washington County)	Apr. 12, 1974
Milford, borough of (Pike County)	Apr. 5, 1974
Millerstown, borough of (Perry County)	Jan. 16, 1974
Millheim, borough of (Centre County)	May 10, 1974
Nazareth, borough of (Northampton County)	Jan. 9, 1974
New Berlin, borough of (Union County)	Feb. 22, 1974
North Buffalo, township of (Armstrong County)	Apr. 5, 1974
Oakdale, borough of (Allegheny County)	Dec. 7, 1973
Patton, borough of (Cambria County)	Feb. 1, 1974
Polk, borough of (Venango County)	Apr. 5, 1974
Rouseville, borough of (Venango County)	Jan. 23, 1974
Sandy Lake, borough of (Mercer County)	Jan. 16, 1974
Shenango, township of (Mercer County)	May 17, 1974
Shipping Port, borough of (Beaver County)	Feb. 1, 1974
Smithton, borough of (Westmoreland County)	May 31, 1974
South Coatesville, borough of (?).	Do.
South Fork, borough of (Cambria County)	Do.
Southwest Greensburg, borough of (Westmoreland County)	Feb. 1, 1974
Spangler, borough of (Cambria County)	Do.
Spring, township of (Crawford County)	May 31, 1974
Sugar Grove, borough of (Warren County)	Do.
Sugarcreek, borough of (Venango County)	Apr. 12, 1974
Summerhill, borough of (Cambria County)	Dec. 28, 1973
Tatamy, borough of (Northampton County)	Apr. 12, 1974
Thompsontown, borough of (Juniata County)	Do.
Topton, borough of (Berks County)	May 31, 1974
Troy, borough of (Bradford County)	May 10, 1974
Turtle Creek, borough of (Allegheny County)	Feb. 1, 1974
Upper Nazareth township of (Northampton County)	Dec. 27, 1971
Venango, township of (Crawford County)	May 31, 1974
Versailles, borough of (Allegheny County)	Jan. 9, 1974
Waterford, borough of (Erie County)	May 10, 1974
Wayne, Township of (Crawford County)	May 31, 1974
Westover, borough of (Clearfield County)	Mar. 8, 1974
Womelsdorf, borough of (Berks County)	May 24, 1974
Wyalusing, borough of (Bradford County)	Feb. 1, 1974
York Haven, borough of (York County)	Jan. 23, 1974
Total	72

Rhode Island

	Date of Identification
Hopkinton, town of (Washington County)	May 31, 1974
Richmond, town of (Washington County)	Do.
Total	2

South Carolina

	Date of Identification
Abbeville, city of (Abbeville County)	May 31, 1974
Andrews, town of (Georgetown County)	May 24, 1974
Belton, town of (Anderson County)	Do.
Blackville, town of (Barnwell County)	June 7, 1974
Bluffton, town of (Beaufort County)	May 17, 1974
Bowman, town of (Orangeburg County)	May 31, 1974
Branchville, town of (Orangeburg County)	June 7, 1974
Clover, town of (York County)	May 24, 1974
Dillon, town of (Dillon County)	May 17, 1974
Eastover, town of (Richland County)	May 31, 1974
Edgefield, town of (Edgefield County)	May 24, 1974
Fairfax, town of (Allendale County)	May 31, 1974
Harleyville, town of (Dorchester County)	May 24, 1974
Hemingway, town of (Williamsburg County)	June 7, 1974
Holly Hill, town of (Orangeburg County)	Do.
Irmo, town of (Lexington County)	May 17, 1974
Iva, town of (Anderson County)	May 31, 1974
Jackson, town of (Aiken County)	May 17, 1974
Lake View, town of Dillon County)	May 24, 1974
Lane, town of (Williamsburg County)	May 17, 1974
McCormick, city of (McCormick County)	June 7, 1974
Moncks Corner, town of (Berkeley County)	May 24, 1974
Olanta, town of (Florence County)	May 24, 1974
Pamplico, town of (Florence County)	May 10, 1974
Ridgeville, town of (Dorchester County)	May 31, 1974
Scranton, town of (Florence County)	May 24, 1974
Sellers, town of (Marion County)	June 7, 1974
Seneca, town of (Oconee County)	June 14, 1974
South Congaree, town of (Lexington County)	May 17, 1974
Timmonsville, town of (Florence County)	May 24, 1974
Warrenville, town of (Aiken County)	June 14, 1974
Williamston, town of (Anderson County)	May 31, 1974
Total	32

South Dakota

	Date of Identification
Colome, city of (Tripp County)	May 10, 1974
Plankinton, city of (Aurora County)	June 7, 1974
Total	2

Tennessee

	Date of Identification
Bell Buckle, town of (Bedford County)	June 14, 1974
Bristol, city of (Sullivan County)	Mar. 8, 1974
Calhoun, city of (McMinn County)	Do.
Chapel Hill, town of (Marshall County)	June 14, 1974
Charleston, city of (Bradley County)	Feb. 1, 1974
Dayton, city of (Rhea County)	Mar. 1, 1974
Dunlap, city of (Sequatchie County)	May 24, 1974
Dyer, town of (Gibson County)	May 31, 1974
Englewood, city of (McMinn County)	May 17, 1974
Estill Springs, city of (Franklin County)	Feb. 1, 1974
Graysville, city of (Rhea County)	Mar. 8, 1974
Iron City, city of (Lawrence County)	June 14, 1974
Kimball, town of (Marion County)	Do.
Kingston, city of (Roane County)	Mar. 8, 1974
Lewisburg, city of (Marshall County)	Mar. 1, 1974
Lynnville, city of (Giles County)	June 14, 1974
Milan, town of (Gibson County)	May 24, 1974
Richard City, city of (Marion County)	Feb. 1, 1974
Ridgetop, city of (Robertson County)	June 7, 1974
Rogersville, city of (Hawkins County)	Feb. 15, 1974
Rutherford, town of Gibson County)	June 7, 1974
Saltillo, town of (Hardin County)	June 14, 1974
Sneedville, city of (Hancock County)	Feb. 1, 1974

Tennessee—Continued

	Identification Date of
Somerville, town of (Fayette County)	May 17, 1974
Spring Hill, city of (Maury County)	Do.
Surgoinsville, city of (Hawkins County)	Do.
Tellico Plains, city of (Monroe County)	Mar. 8, 1974
Tracy City, city of (Grundy County)	May 10, 1974
Trenton, town of (Gibson County)	May 3, 1974
Wartrace, town of (Bedford County)	June 14, 1974
Whitwell, city of (Marion County)	Feb. 15, 1974
Total	31

Texas

	Identification Date of
Alamo, city of (Hidalgo County)	Jan. 23, 1974
Albany, city of (Shackelford County)	May 3, 1974
Anton, city of (Hockley County)	Mar. 29, 1974
Balch Springs, city of (Dallas County)	Mar. 8, 1974
Bandera, city of (Bandera County)	Apr. 12, 1974
Blanco, city of (Blanco County)	May 3, 1974
Blue Mound, city of (Tarrant County)	Dec. 17, 1973
Booker, city of (Ochiltree and Lipscomb Counties)	May 24, 1974
Bowie, city of (Montague County)	May 3, 1974
Boyd, city of (Wise County)	Dec. 28, 1973
Briar Oaks, city of (Johnson County)	Mar. 29, 1974
Bronte, town of (Coke County)	Do.
Cactus, city of (Moore County)	June 14, 1974
Canton, city of (Van Zandt County)	May 10, 1974
Canutillo, city of (El Paso County)	Jan. 9, 1974
Carrizo Springs, city of (Dimmit County)	May 3, 1974
Center, City of (Shelby County)	Mar. 1, 1974
Cisco, city of (Eastland County)	May 3, 1974
Clarksville, city of (Red River County)	Feb. 15, 1974
Cockrell Hill, city of (Dallas County)	Dec. 7, 1973
Combes, town of (Cameron County)	May 10, 1974
Cooper, city of (Delta County)	Jan. 9, 1974
Copperas Cove, city of (Coryell County)	Apr. 5, 1974
Corrigan, city of (Polk County)	May 24, 1974
Cotulla, city of (LaSalle County)	Dec. 17, 1973
Crandall, city of (Kaufman County)	Mar. 8, 1974
De Leon, city of (Comanche County)	Apr. 5, 1974
De Kalb, town of (Bowie County)	May 24, 1974
Dimmit, city of (Castro County)	May 10, 1974
Donna, city of (Hidalgo County)	Feb. 1, 1974
Eagle Lake, city of (Colorado County)	May 10, 1974
Early, city of (Brown County)	May 17, 1974
Edcouch, city of (Hidalgo County)	May 10, 1974
Edgewood, city of (Van Zandt County)	June 14, 1974
El Campo, city of (Wharton County)	June 7, 1974
Everman, city of (Tarrant County)	Dec. 17, 1973
Floydada, city of (Floyd County)	May 31, 1974
Friona, city of (Parmer County)	April 12, 1974
Gonzales, city of (Gonzales County)	May 24, 1974
Grand Saline, city of (Van Zandt County)	May 10, 1974
Hale Center, city of (Hale County)	Do.
Haskell, city of (Haskell County)	May 17, 1974
Hewitt, city of (McLennan County)	Jan. 23, 1974
Iowa Park, city of (Wichita County)	Apr. 5, 1974
Jasper, city of (Jasper County)	Mar. 29, 1974
Kennedale, city of (Tarrant County)	Feb. 1, 1974
Kermit, city of (Winkler County)	May 24, 1974
Kilgore, city of (Gregg and Rusk Counties)	Do.
Kingsville, city of (Kleberg County)	Feb. 26, 1971
Kleberg County, Unincorporated Area	Aug. 17, 1971
La Grange, city of (Fayette County)	Mar. 22, 1974
La Joya, city of (Hidalgo County)	Jan. 23, 1974
La Villa, city of (Hidalgo County)	Do.
Lacoste, city of (Medina County)	Jan. 9, 1974
Lefors, city of (Gray County)	May 10, 1974
Lindale, city of (Smith County)	Mar. 22, 1974
Llano, city of (Llano County)	Dec. 28, 1973
Lorenzo, city of (Crosby County)	April 12, 1974
Lyford, city of (Willacy County)	May 17, 1974
Madisonville, city of (Madison County)	Do.
Marion, city of (Guadalupe County)	Jan. 9, 1974
Mason, city of (Mason County)	May 10, 1974
McLean, city of Gray County)	May 17, 1974
Mexia, city of (Limestone County)	Mar. 15, 1974
Miami, city of (Roberts County)	May 24, 1974
Mineola, city of (Wood County)	May 3, 1974
Moulton, town of (Lavaca County)	Apr. 5, 1974
Mount Pleasant, city of (Titus County)	Feb. 1, 1974
Munday, city of (Knox County)	May 17, 1974
Murphy, city of (Collin County)	Dec. 7, 1973
Newton, city of (Newton County)	June 7, 1974
Nocona, city of (Montague County)	May 10, 1974
Nolanville, city of (Bell County)	May 24, 1974
Oakwood Grove, city of (Leon County)	Do.
Orange Grove, city of (Jim Wells County)	May 3, 1974
Ozona, city of (Crockett County)	Dec. 7, 1974
Palestine, city of (Anderson County)	May 31, 1974
Pampa, city of (Gray County)	May 10, 1974
Petersburg, city of (Hale County)	April 12, 1974
Pinehurst, city of (Orange County)	July 2, 1974
Pittsburg, city of (Camp County)	Jan. 23, 1974
Post, city of (Garza County)	April 12, 1974
Poteet, city of (Atascosa County)	Jan. 23, 1974
Poth, city of (Wilson County)	May 24, 1974
Quinlan, city of (Hunt County)	April 12, 1974
Ranger, city of (Eastland County)	May 17, 1974
Rankin, city of (Upton County)	May 10, 1974
Roby, city of (Fisher County)	May 17, 1974
Rotan, city of (Fisher County)	April 12, 1974
Toxton, city of (Lamar County)	May 3, 1974
Sachse, city of (Dallas County)	Feb. 22, 1974
Saginaw, city of (Tarrant County)	Mar. 8, 1974
San Juan, city of (Hidalgo County)	Mar. 22, 1974
Santa Rosa, city of (Cameron County)	May 17, 1974
Seagoville, city of (Dallas County)	Feb. 1, 1974
Sealy, city of (Austin County)	Dec. 17, 1973
Seminole, city of (Gaines County)	May 24, 1974
Slaton, city of (Lubbock County)	Mar. 22, 1974
Somerville, city of (Burleson County)	May 3, 1974
Spearman, city of (Hansford County)	May 17, 1974
Stanton, city of (Martin County)	Jan. 16, 1974
Sterling Cit, town of (Sterling County)	May 24, 1974
Stinnett, city of (Hutchinson County)	May 31, 1974
Stockdale, city of (Wilson County)	Do.
Sundown, city of (Hockley County)	April 12, 1974
Tahoka, city of (Lynn County)	May 10, 1974
Troup, city of (Smith County)	April 12, 1974
Valley Mills, city of (Bosque County)	May 3, 1974
Van Horn, town of (Culberson County)	May 10, 1974
Vernon, city of (Wilbarger County)	May 17, 1974
Wallis, city of (Austin County)	May 24, 1974
Wheeler, city of (Wheeler County)	Mar. 29, 1974
Whitehouse, city of (Smith County)	May 17, 1974
Wills Point, city of (Van Zandt County)	Do.
Winters, city of (Runnels County)	Dec. 17, 1973
Yoakum, city of (Lavaca County)	May 10, 1974
Total	116

Utah

	Identification Date of
Beaver, city of (Beaver County)	June 11, 1974
Eureka, city of (Juab County)	June 7, 1974
Grantsville, city of (Tooele County)	May 31, 1974

98<

Utah—Continued

	Date of Identification
Huntington, city of (Emery County)	May 24, 1974
Orangeville, city of (Emery County)	June 7, 1974
West Bountiful, city of (Davis County)	Dec. 28, 1973
Willard, city of (Box Elder County)	June 7, 1974
Total	7

Vermont

Berkshire, town of (Franklin County)	May 31, 1974
Berlin, town of (Washington County)	Feb. 15, 1974
Canaan, town of (Lamoille County)	May 31, 1974
Clarendon, town of (Ruthland County)	Do.
Enosburg Falls, village of (Franklin County)	Apr. 5, 1974
Fairfax, town of (Franklin County)	May 17, 1974
Highgate, town of (Franklin County)	May 31, 1974
Jericho, town of (Chittenden County)	June 14, 1974
Milton, village of (Chittenden County)	May 3, 1974
Moretown, town of (Washington County)	May 31, 1974
Northfield, town of (Washington County)	Do.
Readsboro, town of (Bennington County)	Do.
Sheldon, town of (Franklin County)	Apr. 12, 1974
Sunderland, town of (Bennington County)	Feb. 1, 1974
Swanton, village of (Franklin County)	Mar. 22, 1974
Turnbridge, town of (Orange County)	May 31, 1974
Williston, town of (Chittenden County)	Mar. 15, 1974
Total	17

Virginia

Duffield, town of (Scott County)	Mar. 8, 1974
Dungannon, town of (Scott County)	Mar 22, 1974
Jonesville, town of (Lee County)	June 14, 1974
Mount Jackson, town of (Shenandoah County)	May 31, 1974
Roykins, town of (Southhampton County)	Do.
St. Charles, town of (Lee County)	May 17, 1974
Total	6

Washington

Benton City, town of (Benton County)	Jan. 9, 1974
Bingen, town of (Klickitat County)	June 7, 1974
Carnation, town of (King County)	May 31, 1974
Colville, city of (Stevens County)	Dec. 28, 1973
Deer Park, city of (Spokane County)	Apr. 5, 1974
Elma, town of (Grays Harbor County)	June 7, 1974
Ephrata, city of (Grant County)	May 31, 1974
Medical Lake, town of (Spokane County)	June 7, 1974
Palouse, city of (Whitman County)	May 24, 1974
Port Angeles, city of (Clallam County)	May 31, 1974
Prosser, town of (Benton County)	Jan 23, 1974

Washington—Continued

	Date of Identification
Republic, town of (Ferry County)	June 7, 1974
Rosalia, town of (Whitman County)	May 24, 1974
Shelton, city of (Mason County)	June 14, 1974
St. John, town of (Whitman County)	May 24, 1974
Total	15

West Virginia

Anawalt, town of (McDowell County)	May 31, 1974
Beckley, city of (Raleigh County)	June 7, 1974
Belle, town of (Kanawha County)	Mar. 1, 1974
Bethany, town of (Brooke County)	Feb. 8, 1974
Buffalo, town of (Putnam County)	Feb. 1, 1974
Cedar Grove, town of (Kanawha County)	Mar. 8, 1974
Franklin, town of (Pendleton County)	May 31, 1974
Hambleton, town of (Tucker County)	Feb. 1, 1974
Hurricane, village of (Putnam County)	Apr. 5, 1975
Montgomery, city of (Fayette and Kanawha Counties)	May 24, 1974
Pine Grove, town of (Wetzel County)	Do.
Tridelphia, town of (Ohio County)	Feb. 8, 1974
Valley Grove, town of (Ohio County)	Feb. 1, 1974
War, town of (McDowell County)	May 31, 1974
West Hamlin, town of (Lincoln County)	Do.
Total	15

Wisconsin

Arcadia, city of (Trempealeau County)	Nov. 30, 1973
Athens, village of (Marathon County)	May 31, 1974
Augusta, village of (Eau Claire County)	May 10, 1974
Baldwin, village of (St. Croix County)	Do.
Barneveld, village of (Iowa County)	May 17, 1974
Barron, city of (Barron County)	Dec. 17, 1973
Belgium, village of (Ozaukee County)	June 7, 1974
Bell Center, village of (Crawford County)	Jan. 9, 1974
Belleville, village of (Dane and Green Counties)	Do.
Belmont, village of (Lafayette County)	May 17, 1974
Black Earth, village of (Dane County)	Dec. 17, 1973
Boscobel, city of (Grant County)	Do.
Bowler, village of (Shawano County)	Nov 30, 1973
Browntown, village of (Green County)	Jan. 9, 1974
Cambridge, village of (Dane County)	Dec. 17, 1973
Cameron, village of (Barron County)	Dec. 28, 1973
Cascade, village of (Sheboygan County)	May 3, 1974
Chaseburg, village of (Vernon County)	Dec. 28, 1973
Cumberland, city of (Barron County)	May 31, 1974
Delafield, city of (Waukesha County)	June 7, 1974

Wisconsin—Continued

	Date of Identification
Doylestown, village of (Columbia County)	May 17, 1974
Eagle River, city of (Vilas County)	Dec. 28, 1973
East Troy, village of (Walworth County)	May 24, 1974
Edgerton, city of (Rock County)	Dec. 17, 1973
Elroy, city of (Juneau County)	June 7, 1974
Endeavor, village of (Marquette County)	Dec. 17, 1973
Ettrick, village of (Trempealeau County)	Nov. 30, 1973
Fairchild, village of (Eau Claire County)	May 31, 1974
Fall Creek, village of (Eau Claire County)	May 24, 1974
Forestville, village of (Door County)	Nov. 30, 1973
Fortville, village of (Rock County)	May 31, 1974
Fox Lake, city of (Dodge County)	May 24, 1974
Francis Creek, village of (Manitowoc County)	May 17, 1974
Galesville, city of (Trempealeau County)	Nov. 30, 1973
Gillett, city of (Oconto County)	April 12, 1974
Gratiot, village of (Lafayette County)	Jan. 16, 1974
Hammond, village of (St. Croix County)	May 10, 1974
Hartland, village of (Waukesha County)	Nov. 30, 1973
Holeman, village of (La Crosse County)	May 17, 1974
Horicon, city of (Dodge County)	Nov. 30, 1973
Howard, village of (Brown County)	Dec. 28, 1973
Hustisford, village of (Dodge County)	Nov. 30, 1973
Iola, village of (Waupaca County)	June 7, 1974
Johnson Creek, village of (Jefferson County)	Jan. 9, 1974
Kekoskee, village of (Dodge County)	Jan. 23, 1974
Kewaskum, village of (Washington County)	Dec. 28, 1973
Kiel, city of (Manitowoc County)	Feb. 8, 1974
Lake Hills, city of (Jefferson County)	May 17, 1974
Lannon, village of (Waukesha County)	Dec. 28, 1973
Lena, village of (Oconto County)	May 24, 1974
Livingston, village of (Grant County)	May 17, 1974
Lone Rock, village of (Richland County)	Do.
Lowell, village of (Dodge County)	Do.
Luxemburg, village of (Kewaunee County)	May 10, 1974
Madison, city of (Dane County)	Mar. 8, 1974
Marquette, village of (Green Lake County)	Dec. 28, 1973
Marshall, village of (Dane County)	Dec. 17, 1973
Mauston, city of (Juneau County)	Do.
Mayville, city of (Dodge County)	Nov. 30, 1973
Mazomaine, village of (Dane County)	Dec. 28, 1973
Melrose, village of (Jackson County)	Dec. 17, 1973
Merrilian, village of (Jackson County)	May 31, 1974

Reproduced from best available copy.

Wisconsin—Continued

	Date of Identification
Merton, village of (Waukesha County)	Dec. 28, 1973
Mineral Point, city of (Iowa County)	May 31, 1974
Mt. Calvary, village of (Fond Du Lac County)	June 7, 1974
Necedah, village of (Juneau County)	Jan. 9, 1974
Nelsonville, village of (Portage County)	Jan. 23, 1974
New Lisbon, city of (Juneau County)	Dec. 17, 1973
Onalaska, city of (La Crosse County)	Dec. 28, 1973
Ontario, village of (Vernon County)	Jan. 9, 1974
Orfordville, village of (Rock County)	May 24, 1974
Osseso, village of (Trempealeau County)	May 3, 1974
Parkeeville, village of (Columbia County)	Dec. 28, 1973
Park Ridge, village of (Portage County)	Do.
Poplar, village of (Douglas County)	Do.
Port Washington, town of (Ozaukee County)	May 31, 1974
Potosi, village of (Grant County)	Dec. 28, 1973
Poynette, village of (Columbia County)	May 3, 1974
Prairie Du Sac, village of (Sauk County)	Dec. 7, 1973
Prairie Farm, village of (Barron County)	Do.
Prentice, village of (Price County)	Dec. 28, 1973
Princeton, city of (Green Lake County)	Do.
Pulaski, village of (Brown County)	May 24, 1974
Redgranite, village of (Waushara County)	May 17, 1974
Rib Lake, village of (Taylor County)	May 24, 1974
Rice Lake, city of (Barron County)	Dec. 7, 1973
Rockdale, village of (Dane County)	Do.
Shullsburg, city of (Lafayette County)	May 17, 1974
Solon Springs, village of (Douglas County)	June 7, 1974
South Wayne, village of (Lafayette County)	Dec. 7, 1973
Spring Green, village of (Sauk County)	Do.
Spring Valley, village of (Pierce County)	June 14, 1974
Star Prairie, village of (St. Croix County)	Dec. 28, 1973
Sturtevent, village of (Racine County)	May 24, 1974
St. Croix Falls, city of (Polk County)	Do.
St. Francis, city of (Milwaukee County)	June 7, 1974
Sullivan, village of (Jefferson County)	Apr. 12, 1974
Taylor, village of (Jackson County)	Dec. 7, 1973
Theresa, village of (Dodge County)	Do.
Waterloo, city of (Jefferson County)	Dec. 28, 1973
Wausaukee, village of (Marinette County)	May 24, 1974
Wautoma, city of (Waushara County)	May 17, 1974
West Baraboo, village of (Sauk County)	Jan. 16, 1974
est Bend, city of (Washington County)	Dec. 28, 1973
Westfield, village of (Marquette County)	May 24, 1974
Wild Rose, village of (Waushara County)	May 31, 1974
Wilton, village of (Monroe County)	May 17, 1974
Winneconne, village of (Winnebago County)	Jan. 16, 1974
Wisconsin Dells, city of (Columbia County)	Dec. 17, 1973
Wonewoc, village of (Juneau County)	Dec. 7, 1973
Woodman, village of (Grant County)	Jan. 16, 1974
Woodville, village of (St. Croix County)	May 24, 1974
Total	113
Wyoming	
Dubois, town of (Fremont County)	Jan. 23, 1974
Jackson, town of (Teton County)	May 10, 1974
Kemmerer, town of (Lincoln County)	Mar. 29, 1974
Laramie, city of (Albany County)	Apr. 5, 1974
Riverton, city of (Fremont County)	Mar. 29, 1974
Saratoga, town of (Carron County)	June 14, 1974
Torrington, town of (Goshen County)	Mar. 15, 1974
Wheatland, town of (Platte County)	Apr. 12, 1974
Total	8
National total	1,979

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968): effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Dated: June 17, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-16504 Filed 6-24-75;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N-75-380]

EDELWEISS MOUNTAIN DEVELOPER

Hearing

In the matter of Edelweiss Mountain Developer, Black Forest Development, Inc., OILSR No. 0-3200-47-2, Docket No. ED-75-8.

Pursuant to 15 U.S.C. 1706(b) and 24 CFR 1720.155(b) notice is hereby given that:

1. Black Forest Development, Inc., Developer of Edelweiss Mountain Subdivision, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-443) (15 U.S.C. 1701 et seq.), received a Notice of Suspension dated May 19, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(b) and 24 CFR 1720.45(a) informing the developer that its amended Statement of Record submitted April 28, 1975, for Black Forest Development, Inc., Edelweiss Mountain Subdivision, located in Pennington County, South Dakota, was not effective pursuant to the Act, and the regulations contained in 24 CFR Part 1710.

2. The Respondent filed an answer dated June 10, 1975, in answer to the allegations of the notice of suspension dated May 19, 1975.

3. In said Answer the Respondent requested a hearing on the allegations contained in the notice of suspension.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(b) and 24 CFR 1720.155(b), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Suspension will be held before James W. Mast, Administrative Law Judge, in Room 7146, Department of HUD Building, 451 7th Street, SW., Washington, D.C. on June 25, 1975, at 1 p.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before June 23, 1975.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the suspension of the Statement of Record, herein identified, shall continue until vacated by order of the Secretary, pursuant to 24 CFR 1720.155.

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-16507 Filed 6-24-75;8:45 am]

[Docket No. N-75-379]

KULA KAI VIEW ESTATES

Hearing

In the matter of Kula Kai View Estates, OILSR No. 0-1147-14-18 Docket No. Y-183-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Hawaii Kona Kai, Inc., Joni Johnston, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued May 15, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Kula Kai View Estates, located in Hawaii County, Hawaii, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an answer received June 6, 1975, in response to the

Reproduced from best available copy.

CT: Flood Insurance Requirements Effective
July 1, 1975

PROGRAM REQUIREMENTS MEMORANDUM PRM NO.
Program Guidance Memorandum PG-54

FROM: Alvin L. Alm
Assistant Administrator for Planning and Management (PM-208)

AA

TO: Regional Administrators

JUL [illegible] 1

Enclosed you will find an advance copy of a revised information sheet relating to flood insurance purchase requirements for our grant programs. The legal requirements are also found in the final general grant regulations published on May 8 (40 CFR 30.405-10).

Effective July 1, 1975 (or one year after a community's notification of identification as a flood-prone community, whichever is later), EPA is prohibited by law from making any grant for acquisition or construction purposes in a flood hazard area unless the community in which the project is located is participating in the flood insurance program and flood insurance is purchased by the grantee.

The list of communities to which this prohibition applies on July 1, 1975, has just been published by HUD in the *Federal Register* (40 FR 26740-26756). I am enclosing a copy of this list for your information and use. The list will be regularly updated by notice in the *Federal Register* as other communities pass the one year mark.

EPA Regional Offices have been receiving copies of HUD's monthly listings of areas eligible for the purchase of flood insurance and areas which have had special flood hazard areas identified but which are not participating in the program. Regional offices have also been receiving copies of the maps issued by HUD delineating the flood hazard areas. Procedures should be immediately instituted to ensure that no grants are made in violation of the statutory requirement.

If not already done, an individual should be designated in your office to be familiar with the flood insurance requirements and to handle questions which may arise from time to time from your own staff, as well as from grant applicants and grantees. Questions which you may wish to direct to headquarters on this subject should be addressed to the Director, Grants Administration Division (PM-216), 202-755-0860.

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

August 5, 1975

PROGRAM REQUIREMENTS MEMORANDUM PRM NO. 75-29
Program Guidance Memorandum PG-56

SUBJECT: EPA Procedures in Initiating Debarment Actions Against Grantee Contractors

FROM: Alvin L. Alm, Assistant Administrator
for Planning and Management (PM-208)

AA

James L. Agee

James L. Agee, Assistant Administrator
for Water and Hazardous Materials (WH-556)

TO: All Regional Administrators

EPA may initiate debarment proceedings against a grantee contractor for:

1. Wage rate violations under the provisions of the Davis Bacon-Act. This Act provides for the use of minimum wage rates determined by the Department of Labor.

2. Equal Employment Opportunity violations. These provisions, set forth in Executive Order 11246, deal with racial, religious, etc., discrimination, as detailed in 40 CFR 8.8 through 8.14.

3. Contract Work, Hours and Safety Standards Act violations. This Act contains overtime provisions.

4. Copeland Act violations. This Act contains anti-kickback provisions. Debarment resulting from violations of the Copeland Act can proceed only after such violations have been established through adjudicatory proceedings.

Upon finding evidence or being notified of significant violations, the Regional Contract Compliance Officer, working in concert with the Regional Counsel, prepares a memorandum citing the particulars of the case including all pertinent evidence. This memorandum, along with recommendations, is then forwarded, under the signature of the Regional Administrator, to the Grants Administration Division, OPM.

The submission is reviewed by both the Compliance Staff and the Office of General Counsel. If, as a result of these reviews, it appears that sufficient justification for debarment exists, the Compliance Staff will notify the Department of Labor of its intent to file for debarment and, concurrently, request an informal reading on the merits of the case. If the Department of Labor indicates that the case has merit, EPA will formally submit charges to the Department and request the initiation of disbarment proceedings.

Department of Labor procedures include an intensive review of the evidence and formal hearings. If debarment is ordered, appeal hearings may be held. General notification of debarment is effected by the General Accounting Office which publishes quarterly, and updates monthly, lists of companies and persons debarred.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 8 1975

PROGRAM REQUIREMENTS MEMORANDUM PRM NO. 75-30
Program Guidance Memorandum PG-57

SUBJECT: Cost Control

FROM: John T. Rhett, Deputy Assistant Administrator for Water Program Operations (WH-446) John T Rhett

TO: All Regional Administrators
Attn: Director, Water Programs Division

I. Purpose:

This program guidance memorandum provides information on cost control measures to ensure project reviews include full consideration of cost-effectiveness in design.

II. Background:

Under Section 212(2)(B) of the Federal Water Pollution Control Act Amendments of 1972, the grant applicant must demonstrate that the proposed treatment works is the most cost-effective to meet the goals of the Act. The intent of the Act is to make sure that grant funds are properly managed throughout the project.

This requirement of the Act is implemented in Section 35.917(d) and Appendix A of the construction grant regulations. The grant applicant is required to evaluate alternatives and select the most cost-effective (including full consideration of non-quantifiable environmental and social factors). Cost-effectiveness procedures are an integral part of the Step I facility planning process and the Step II preparation of plans and specifications.

III. Value Engineering:

To extend the cost-effectiveness effort to all components of the project, as intended by the Act, an interim value engineering (VE) program was introduced in December 1974. The VE methodology is designed to focus on function and value and has been demonstrated to be effective in controlling cost and thereby assuring quality and value design. However, because the present VE program is based on voluntary participation, it can be expected that many projects will not be subjected to such cost review. This means significant resources could be spent with very little benefit as a result of undetected "gold plating." Waste in this nature may seem small in relation to the total project cost, but in terms of the entire construction grant program, it could amount to millions of dollars. In view of this, it is essential that the Regional office review procedure be sensitive to the need for cost-effective design.

IV. Types of high costs to be alert for in construction grant projects:

a. Major unrealistic costs may first appear in the facility planning process. In this case the total cost for the project appears unreasonable and inappropriate for the project scope. For example, a 4 million gallon per day treatment plant, treating primarily domestic sewage to meet secondary treatment at a cost of $20 million would merit further investigation. Similarly, a 20 million gallon per day plant designed to use the extended aeration process should be looked at very closely to be sure all cost-effective alternatives have been considered. By good cost review of the facility plan the project manager can forestall needless expenditure of Step II effort on designs which are not cost-effective and save time in the Step II review process.

b. "Gold plating" costs may appear in the Step II design and are much more difficult to detect. These costs can occur as the Step II design proceeds and include design details which require expensive construction techniques, specification of high cost items which are not cost-effective, and inefficient plant layout, buildings, or hydraulics. Identifying gold plating in a project design requires an experienced reviewer with knowledge of plant design and cost-effective design alternatives. In looking for gold plating in a Step II design, the following points are to be considered.

(1) Plant aesthetics and appearance (landscaping, building finishes) are important features in many locations. While recognizing this importance of aesthetics, it is also necessary that the design solutions to solve aesthetic problems also be cost-effective.

(2) The cost review should concentrate on high cost areas of the project. Extensive cost review effort on minor items with no significant cost impact is a misdirection of effort.

V. Techniques for identifying potential unnecessary high costs:

a. Cost curves. When used carefully, cost curves can be an effective tool for identifying high cost projects and high cost areas within a project.

b. Value Engineering(VE). Value engineering techniques such as cost to worth ratio and functional cost models are a good method to isolate areas with potential for cost control. If the project has already been subject to VE review (see Program Guidance Memorandum 45) then it is likely that gold plating has been removed.

c. Cost models. Cost models have been developed in various VE workshops for individual projects. An example is attached. In the model, two separate costs are provided for each component or system within a project. The higher cost represents estimated design cost and the lower one the worth. Worth is defined as the lowest initial cost to perform the required function. Ideally, the ratios of these two costs should approach 1.0, but in practice it is rarely less than 2.0. When the ratio exceeds about 3.5, excessive cost is probably present. This procedure allows quick determination of possible gold plating areas in the project. Detailed review will confirm whether this is actually the case.

VI. Action to take when potential excessive cost or gold plating is present:

a. Preventive measures. Gold plating can be eliminated when the project is subject to VE review. To ensure that project completion is not delayed, the applicant should be encouraged to incorporate VE at an early stage of the Step II design. This will simplify and speed-up the final review process. Thorough review of the facility plan will also speed-up the Step II review by identifying and eliminating major excess cost items.

b. Value engineering. Although not as efficient when performed on the completed Step II design, VE can identify gold plating and develop more cost-effective alternatives. In-house (EPA) VE studies can be performed or the grant applicant can be requested to accomplish VE on the design as a condition of further grants.

c. Specific requests to the grant applicant. When there are clearly identified excessive costs with significant impact the grant applicant can be requested to develop alternatives or show specific portions of the project are cost-effective. In order to avoid delay this should be initiated either by telephone or by a meeting. It may be found that there is a simple explanation for what appears to be excessive cost. In many cases a conditional grant can be used, subject to reduction of the excessive costs.

Attachment

COST MODEL FOR WASTE TREATMENT PLANT
CONVENTIONAL ACTIVATED SLUDGE PLANT

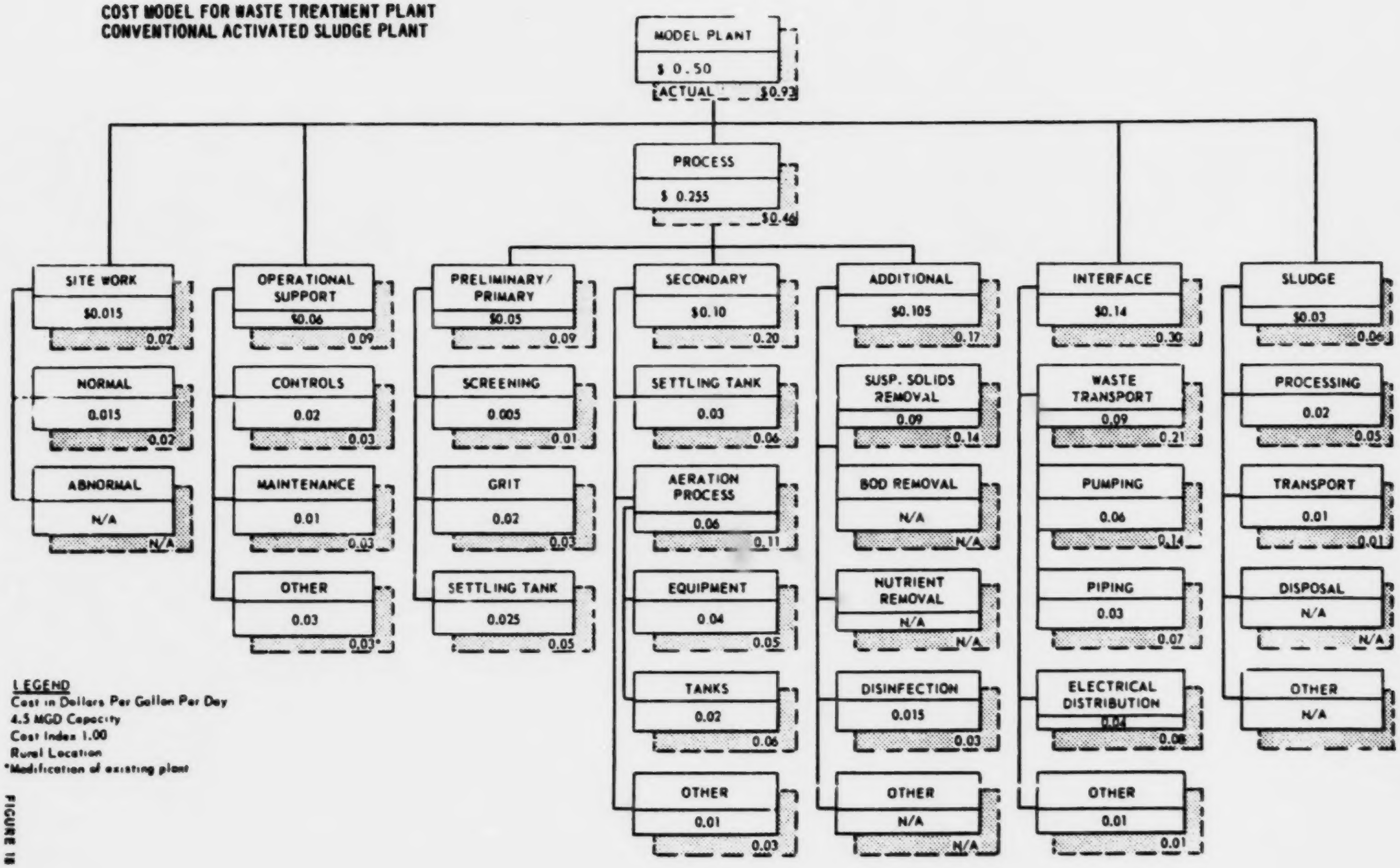
MODEL PLANT
$ 0.50
ACTUAL
$0.93
PROCESS
$ 0.255
$0.46
SITE WORK
$0.015
0.07
NORMAL
0.015
0.02
ABNORMAL
N/A
N/A
OPERATIONAL SUPPORT
$0.06
0.09
CONTROLS
0.02
0.03
MAINTENANCE
0.01
0.03
OTHER
0.03
0.03*
PRELIMINARY/ PRIMARY
$0.05
0.09
SCREENING
0.005
0.01
GRIT
0.02
0.03
SETTLING TANK
0.025
0.05
SECONDARY
$0.10
0.20
SETTLING TANK
0.03
0.06
AERATION PROCESS
0.06
0.11
EQUIPMENT
0.04
0.05
TANKS
0.02
0.06
OTHER
0.01
0.03
ADDITIONAL
$0.105
0.17
SUSP. SOLIDS REMOVAL
0.09
0.14
BOD REMOVAL
N/A
N/A
NUTRIENT REMOVAL
N/A
N/A
DISINFECTION
0.015
0.03
OTHER
N/A
N/A
INTERFACE
$0.14
0.30
WASTE TRANSPORT
0.09
0.21
PUMPING
0.06
0.14
PIPING
0.03
0.07
ELECTRICAL DISTRIBUTION
0.04
0.08
OTHER
0.01
0.01
SLUDGE
$0.03
0.06
PROCESSING
0.02
0.05
TRANSPORT
0.01
0.01
DISPOSAL
N/A
N/A
OTHER
N/A
LEGEND
Cost in Dollars Per Gallon Per Day
4.5 MGD Capacity
Cost Index 1.00
Rural Location
*Modification of existing plant

FIGURE 18

108<

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

PROGRAM REQUIREMENTS MEMORANDUM PRM NO. 75-3
Program Guidance Memorandum PG-58

SUBJECT: Facilitating EIS Preparation with
Joint EIS/Assessments (Piggybacking)

SEP 1975

FROM: Sheldon Meyers, Director
Office of Federal Activities Sheldon Meyers

John T. Rhett
Deputy Assistant Administrator for
Water Program Operations John T. Rhett

TO: Regional Administrators

Purpose

At the EIS Preparation Conference in April 1975, many regional participants expressed interest in the joint EIS/environmental assessment (piggybacking) procedure developed by Region IX to facilitate the preparation of EIS's. This memorandum is to provide guidance for consistent implementation of this procedure, whenever it is used in any region, according to the requirements of 40 CFR 6.

Description of Joint EIS/assessments

The procedure is the preparation of a combined EIS and environmental assessment. The procedure is initiated by a regional office early in the planning process. When the state priority lists are completed, a Regional Administrator should decide which projects require EIS's by applying the NEPA criteria to plans of study and other project information requested or received from the grantee or state. Once the decision to prepare an EIS has been made, the regional office enters into an agreement with the grantee to prepare a joint EIS/environmental assessment, using the grantee's consultant to perform the environmental analyses. While the grantee may retain the same consultant for EIS preparation and facility planning, the use of separate consultants is recommended to ensure compliance with 40 CFR 35.939-2, the code of conduct under EPA's procurement regulations for construction grants which requires the grantee to "avoid personal or organizational conflicts of interest or noncompetitive procurement practices which restrict or eliminate competion or otherwise restrain trade."

After the agreement is signed and the Step 1 grant awarded, the EPA project manager or project team works closely with the grantee and interested public groups to prepare the joint EIS/assessment, carefully documenting participation with the grantee to show EPA's compliance with NEPA requirements. This documentation can be in the form of reports on EPA meetings with the grantee during scheduled review cycles of the EIS text, written approval of the grantee's submitted environmental data or other correspondence prepared during the EIS preparation. All documentation should be available for public scrutiny in a project file.

Using the procedure, the grantee's environmental assessment and EPA's draft EIS are the same document and can be completed within the 12 months during which the facilities plan is prepared. Region IX perceives as one of the major objectives of facilities planning the integration of environmental considerations at the earliest stage of facilities planning, even when the procedure is used and the consultant preparing the facilities plan does not prepare the environmental assessment. Once a decision has been made to prepare a joint EIS/assessment in Region IX, the regional office actively manages all parties responsible for developing and evaluating solutions to a water quality problem: EPA, the grantee, the state agencies and the two consultants. Representatives from each of these groups attend meetings to share information throughout preparation of the facilities plan and EIS/assessment under the supervision of EPA. EPA's primary participatory roles are identifying the issues; maintaining effective communications among the groups performing the economic, environmental and engineering studies; reviewing submissions from the grantee's consultants and making final decisions regarding the EIS's content and approach. The EIS would not duplicate engineering details in the facilities plan. Conversely, the facilities plan should reference, instead of duplicate, the environmental analyses in the EIS. Region IX publishes the facilities plan and the EIS as separate documents, but both are discussed at consecutive or joint public hearings held by the grantee and EPA.

While the procedure can reduce the time between Step 1 grant award and Step 2 grant award, it can only be used effectively when the NEPA decision is made before or early during Step 1 planning. A regional office must take an active role in getting data on which to base the NEPA decision, rather than waiting until facilities plans and grant applications are submitted.

If the Regional Administrator makes an initial decision early during Step 1 planning not to prepare an EIS on a project, then a project manager or project team from the regional office can work informally with the grantee to prepare a thorough environmental assessment as part of the facilities plan, using one or more consultants as necessary to ensure an interdisciplinary approach to facilities planning. In these cases, the regional office may not have to commit the same level of resources to Step 1 grant activities; however, working with the grantee and interested public groups to produce the environmental assessment will facilitate preparation of EPA's environmental appraisal and negative declaration.

Compliance with NEPA Regulations

The NEPA regulations for preparing EIS's on nonregulatory programs (40 FR 16814) describe a procedure for conducting an environmental review of a project, using available data; making a decision to prepare an EIS or a negative declaration, and encouraging public participation in the decision-making process (§6.104). While the regulation states that the environmental assessment is used to decide if an EIS is needed and to prepare one if necessary, it also states that the environmental assessment is not the only document which can be used for the environmental review (§6.202). In fact, the criteria for determining when to prepare an EIS (§6.200 and §6.510) must be applied to a proposed EPA action, regardless of the sources of data on the action. Therefore, even though the grantee's environmental assessment should be the most complete single source of data on and analysis of environmental effects of a project, the regulations do not preclude conducting an environmental review and making the NEPA decision before the assessment is prepared.

Organizational Requirements

Each region will have to adapt the program to its internal organization. After talking with several regions, three organizational patterns emerged which can serve as examples of how the procedure can be implemented.

In Region IX, EIS preparation, facilities planning and grants evaluation/management are in the Water Programs Division. This division has two branches; one is responsible for Step 1 grants and the other for Step 2 and Step 3 grants. Branch sections are organized geographically.

One project evaluator or area engineer from the Step 1 branch manages a total project, including EIS preparation, within the geographical area to which he is assigned; he may request technical assistance from personnel in other divisions with specific expertise, such as air quality analysis. The project evaluator also coordinates work schedules and data exchanges between the consultant preparing the facilities plan and the consultant preparing the EIS.

In other regions, facilities planning, construction grants management and EIS preparation may be separate or may be combined in a variety of ways within divisions. In these cases, there is the problem of possible breakdowns in communications among the branches and with the contractors, causing delays in a project. However, internal communications can be maintained through joint preapplication conferences with potential grantees, joint evaluation of project data, joint reviews of the contractors' submissions and internal planning meetings.

Region VIII has adopted a team approach to project management which can facilitate preparing joint EIS/assessments with two contractors. The region is divided into geographical areas; projects in each area are managed by a team consisting of one staff member from each of the four Water Program Office divisions: the grants office, the control technology branch, the planning branch and the environmental evaluation branch. The grants engineer is the overall team leader and can call on other divisions for assistance on a project-by-project basis. If an EIS is being prepared on a project, the team member from the environmental evaluation branch takes the management lead for that project.

Advantages of Joint EIS/assessments

Region IX has used the procedure in several states, both with and without state NEPA legislation, and has shortened the time between Step 1 grant award and Step 2 grant award by three to nine months (the time required to prepare an EIS without the procedure). In addition to time savings, the procedure offers other advantages. It allows a more effective use of regional personnel and contract resources because the grantee's consultant has more staff with environmental expertise available to prepare the document; the draft EIS serves more effectively as a decision-making tool, exerting more influence on the selection of alternatives considered in the facilities plan than would be possible had the EIS been prepared later.

Examples of Piggybacked EIS's Prepared by Region IX

Aliso Water Management Agency (draft)

Serra (Orange County) Ocean Outfall (draft)

City of Sacramento Wastewater Treatment Plant (final)

Appendices

Appendices A through D include samples prepared by Region IX of a letter proposing a joint EIS/assessment procedure to a grantee, a memorandum of understanding between EPA and a grantee outlining conditions and procedures for preparing a joint EIS/assessment, an EIS issue paper prepared by the regional office for the grantee, and a legal memorandum on the procedure from the Office of General Counsel.

The pertinent requirements of Program Guidance Memorandum 53, "Interim Guidance - Consulting Engineering Agreements - Title II Construction Grants Program," July 8, 1975, should be incorporated into any memoranda of understanding between EPA and grantees when the procedure is used. In addition, the requirements of 40 CFR 35.939-2 (Code or Standards of Conduct), in the proposed regulation for minimum standards for procurement under EPA grants (40 FR 20296) should be used as interim guidance for approving the grantee's consultants under the procedure.

APPENDIX A

SAMPLE LETTER

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

(Grantee Name and Address)

Re: Regional Wastewater Management Facilities
Project (Number)

Dear (Grantee):

As you know, it is the intent of EPA to prepare an Environmental Impact Statement (EIS) on the subject project in compliance with the National Environmental Policy Act of 1969 (NEPA). There are two alternative approaches to achieving this objective. The first is for EPA to initiate preparation of the EIS after completion by your agency of the Environmental Impact Report (EIR) which would normally be required under Federal and State regulations.* The second and preferable approach is for our agencies to participate in a cooperative effort to produce a "joint EIS" which would satisfy both Federal and State regulations and eliminate the need for the separate preparation of an EIR by your agency.*

We believe the joint EIS alternative is preferable since it would allow thorough examination of environmental impacts and integration of environmental factors into the facilities planning and decision making process. The joint EIS would be prepared by a consultant under contract to your agency with the understanding that EPA would be involved in all phases of preparation and all work would be subject to EPA review and approval. Further, the joint EIS would be considered part of the Step 1 facilities planning process and, therefore, eligible for State and Federal funding (12-1/2 percent and 75 percent, respectively).*

---

*Sentence must be modified for grantees in states other than California.

We believe two consultants are necessary for the joint EIS/EIR* procedure; one to represent the Federal interest in EIS concerns and one to represent your interest in the facilities planning responsibilities.

Therefore, if our agencies are to select the joint EIS alternative, it will be necessary for your agency to retain a consultant for EIS preparation who is separate from and not subcontracted to the consultant preparing the facilities plan and construction designs. Selection of this consultant should be based on (a) identified expertise in areas of environmental concern (water quality, oceanography, groundwater resources, biology, land use, air quality, archaeology, etc.), (b) proven ability to perform EIR/EIS type analyses,* (c) ability to produce thorough, readable and informative documents, and (d) good working knowledge of CEQA/NEPA regulations* and applicable local ordinances. Your agency may choose to advertise and accept proposals for this EIS work. EPA will review and approve the proposed contract with the EIS consultant prior to its execution. It would of course, be necessary for the facilities planning consultant and EIS consultant to coordinate their efforts and exchange information throughout the planning process. We would see no conflict in having the facilities planning consultant perform the technical study and provide the EIS consultant with the information required to assess the environmental impacts of the alternatives.

If you choose not to use the joint EIR/EIS* procedure, we will retain our own EIS consultant to prepare a separate document. This consultant would begin preparing the EIS after the draft EIR is completed by your agency.* If the joint EIR/EIS* alternative is acceptable to your agency, we request

---

*Phrase must be modified for grantees in states other than California.

your signature on the attached memorandum of understanding acknowledging the conditions of and procedures to be followed in the EIS preparation. If you have any further questions, please contact (appropriate staff person).

Sincerely,

(Appropriate EPA Official)

Attachment

APPENDIX B

SAMPLE MEMORANDUM OF UNDERSTANDING

MEMORANDUM OF UNDERSTANDING
BETWEEN
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
AND

(Name of Grantee)

(HEREINAFTER REFERRED TO AS THE GRANTEE)
FOR
JOINT ENVIRONMENTAL IMPACT STATEMENT PREPARATION

I. INTRODUCTION & PURPOSE

It has been determined that an Environmental Impact Statement (EIS) must be prepared prior to the award of a construction grant for the Grantee's wastewater treatment project. The EIS must comply with all provisions of the National Environmental Policy Act of 1969 (NEPA), the California Environmental Quality Act (CEQA), all subsequent regulations implementing these laws, and any applicable local requirements. *

It is the purpose of this memorandum to establish an understanding between the Grantee and EPA regarding the conditions and procedures to be followed in preparation of the EIS through a joint Grantee/EPA effort.

II. GENERAL PROVISIONS

1. EPA will be the lead agency in the joint effort to prepare an EIS and will be ultimately responsible for assuring compliance with the requirements of NEPA.
2. The Grantee will provide the supportive expertise, manpower and technical capabilities required for EIS preparation. The Grantee will be responsible for assuring compliance with CEQA and applicable local requirements. *
3. The Grantee will retain a consultant for EIS preparation who is separate from and not subcontracted to the consultant preparing the facilities plan and construction designs.

---

*Paragraphs must be modified for grantees in states other than California.

a. Selection of the EIS consultant should be based on:

   1. Identified expertise in the areas of environmental concern (water quality, oceanography, groundwater resources, biology, land use, air quality, archaeology, etc.),

   2. proven ability to perform environmental impact analyses,

   3. ability to produce thorough, readable and informative documents, and

   4. evidence of a good working knowledge of NEPA, CEQA, the corresponding regulations and applicable local ordinances. *

b. The Grantee will comply with applicable Federal, State, and local regulations regarding subagreement contracting.

c. EPA will review and approve the Grantee's selected consultant and their proposed contract prior to execution. The Grantee shall include the following language in all consultant contracts: "This contract is funded in part by a grant from the U.S. Environmental Protection Agency. This contract is subject to regulations contained in 40 CFR 35, Subchapter B. Neither the United States nor the U.S. Environmental Protection Agency is a party to this contract."

4. Both the Grantee and EPA shall:

   a. Actively participate in all substantial phases of EIS preparation.

   b. Designate a representative to review and approve all EIS work as it is completed.

   c. Have their respective representatives attend regular meetings with Federal, State, regional and local agencies for the purpose of increasing communication and receiving comments.

---

*Paragraph must be modified for grantees in states other than California.

d. Ensure coordination of efforts and exchange of information between the facilities planning consultant and the EIS consultant.

e. Establish a mutually agreed upon time schedule for completion of the EIS.

5. In all instances involving questions as to the content or relevance of any material (including all data, analyses, and conclusions) in the draft or final EIS, EPA will make the final determination on the inclusion or deletion of that material.

6. All necessary costs incurred by the Grantee for the EIS preparation and compliance with NEPA/CEQA will be eligible for Federal/State grant participation * upon approval of the work by EPA. Before payment is made to the consultant, the Grantee should confirm with EPA that the work will be approved and therefore be eligible for grant participation.

IV. PROCEDURES

1. Initially EPA will provide the Grantee with an "issue paper" describing the paramount concerns to be addressed in the EIS.** This issue paper will be used by the Grantee as a supplement to the EPA regulations implementing the National Environmental Policy Act of 1969. Issues thus identified will be modified only in the event that significant policy changes occur which affect EIS scope or as a result of the public participation process. EPA will also provide to the Grantee an outline defining the organization and content of the document.***

2. The Grantee will have primary responsibility for writing all chapters of the EIS and for establishing

---

*Paragraphs must be modified for grantees in states other than California.

**See Appendix C.

***See Manual for Preparation of Environmental Impact Statements.

a schedule for completion of those chapters which is consistent with the overall time schedule mentioned above.

3. The Grantee will ensure the coordination of the EIS and facilities plan time schedules.

4. Within the established time schedule, the Grantee will provide EPA with no less than two opportunities to review, comment, and make editorial changes on each draft chapter. EPA will provide these comments in a timely manner. The Grantee shall incorporate these comments and editorial changes into the draft chapters to the satisfaction of EPA. Final drafts will be submitted to EPA for review and approval.

5. Generally, joint meetings between the Grantee, EPA and the EIS consultant will be held to coordinate EIS preparation. It is anticipated that the facilities planning consultant may attend certain of these meetings. Additionally, EPA staff may at times work directly with the EIS consultant without the participation of the Grantee. When significant meetings or conversations between EPA and the consultant occur, written documentation will be provided to the Grantee.

6. At key points during preparation of the draft EIS (especially during the early stages), the Grantee will be responsible for organizing and conducting public workshops considered necessary to foster public familiarity with and input to the facilities planning/ EIS process. The Grantee will prepare the "background and issues document" to be used as the basis for any workshop. This document will also be subject to EPA review and approval. The Grantee will prepare a summary of each public workshop which will include a list of the significant concerns identified during the workshop.

7. The Grantee will be responsible for all typing, graphics, layout, printing and distribution of the draft and Final EIS.

8. EPA will provide the Grantee with the distribution list for EIS mailing.

9. Upon completion of the draft EIS, EPA will be responsible for organizing and conducting the public hearings required by 40 CFR Part 6. EPA will also be the recipient of all comments during the draft EIS review and comment period. This period (45-60 days) will be initiated when the Council on Environmental Quality (CEQ) publishes the "draft EIS receipt" in the Federal Register.

10. At the close of the draft EIS review and comment period, EPA will identify the issues and comments submitted which will require response in the final EIS. EPA will direct these comments to the grantee and the appropriate parties for preparation of the responses.

11. Upon completion of the responses to the comments on the draft EIS, EPA will provide these responses to the Grantee and the EIS consultant for inclusion into the final EIS. The EIS consultant will modify the text of the draft EIS as directed by EPA.

12. Upon EPA approval of the final EIS the Grantee will distribute the document according to the distribution list provided and/or revised by EPA.

V. TERMINATION

1. Either party to this Memorandum of Understanding may terminate this agreement after 30 days prior notice to the other party. During the intervening 30 days both parties agree to actively attempt to resolve any outstanding disputes or disagreements.

2. In the event of termination of the agreement, EPA will initiate preparation of the Federal EIS upon completion of an Environmental Impact Report by the Grantee and environmental consultant. *

---

*Paragraphs must be modified for grantees in states other than California.

For the Environmental Protection Agency

Date:

Signed: (Appropriate EPA Official)

Name Title

For the (grantee)

Date:

Signed:

Name Title

APPENDIX C

SAMPLE ISSUE PAPER

MPWPCA EIS ISSUES

The EPA has declared its intent to prepare an EIS on the MPWPCA facilities plan because: 1) the study area includes valuable biological, recreational, cultural and aesthetic resources, 2) certain environmental problems have become evident which threaten the area's resources, 3) alternatives to be examined in the facilities plan may have significant impacts on the area's environment (both adverse and beneficial), 4) previous water quality control plans have identified questions which must be resolved before specific facilities or staging of facilities can be justifiably proposed, and 5) the public and governmental controversy which has in the past surrounded wastewater projects in this area is likely to continue.

The major issues to be thoroughly addressed in the EIS are the following:

1) Ultimate Effluent Disposition. Although all viable alternatives will be analyzed, focus will be on:

a) Reclamation/Reuse: Past planning has indicated that there is significant potential for agricultural reuse of effluent in the Castroville area. How and when such reuse could be implemented, the potential of the Castroville Irrigation Project to utilize treated wastewater, and the feasibility of other reclamation options such as groundwater recharge must be analyzed in detail.

b) Discharge to the Salinas River: The appropriate level of treatment required for this option and the impacts which year round or winter discharge to the river would have on water quality, wildlife and beneficial uses of the river and Bay must be determined.

c) Discharge to central Monterey Bay: The ongoing oceanographic study will provide data to enable assessment of the impacts of this alternative. Issues related to this alternative have been discussed previously.

2) Project Phasing. The project may involve phased construction. Thus, alternative phasing will be analyzed on the basis of environmental impacts, costs, flexibility and ease of implementation. It will not be assumed that the first phase will include an outfall to the Bay. Given reclamation/reuse as an ultimate goal, phasing will be closely examined for positive or negative impact on the attainment of that goal.

3) Secondary Impacts. The EIS will contain a comprehensive discussion of the probable secondary impacts related to the growth accomodated by the project. Included will be impacts on land use, transportation, water supply, energy supply, air quality, social services and the aesthetics of the area. Consistency of the project with other planning (land use, air quality maintenance, etc.) will be examined. The EIS will propose measures to mitigate secondary impacts where possible.

Additionally, the EIS will include an analysis of the existing and future dynamics of growth in the area to determine the degree to which the project would stimulate future growth.

These and other issues are incorporated into the proposed EIS outline which is attached. The detailed approach for each topic will be defined in future meetings and correspondence between MPWPCA, EPA, SWRCB and EIS consultant. Since a thorough analysis of all issues is needed, it is imperative that the consultant have the range of expertise required to achieve this end.

Existing data and previous studies may be incorporated into the EIS if the consultant can document its adequacy and accuracy to EPA's satisfaction. Such data and studies will be updated wherever possible.

Lastly, public involvement in the facilities planning process is a goal of the EIS. MPWPCA, EPA, and the EIS and engineering consultants will coordinate efforts to involve and inform the public.

Reproduced from
best available copy.

APPENDIX D

LEGAL MEMORANDUM FROM OFFICE OF GENERAL COUNSEL

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 15 1975

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: "Piggybacking" Approach to Streamlining Compliance with NEPA in Construction Grants

FROM: G. William Frick
Deputy General Counsel (EG-330)

TO: Sheldon Meyers
Director, Office of Federal Activities (A-104)

We have received from your office a request for our views on the proposed "piggybacking" process for NEPA review of construction grant projects. This process has been used on a limited basis in Regions II and IX and is now proposed for wider use in those and other regions.

Description of the process

Generally, each State's construction grant project priority list contains projects which EPA regional personnel are able to identify as being highly likely prospects for review in an environmental impact statement (EIS) under the National Environmental Policy Act (42 U.S.C. 4332 et seq.). Such an identification derives from formal or informal use of EIS preparation criteria set forth in 40 CFR, Part 6, against the background of the particular knowledge which people in each region have concerning the controversial nature or peculiar problems of given projects. Normally, work under a Step 1 construction grant for each such project would include development by the grantee and his consultant of an environmental assessment which, when delivered to EPA for review with the facilities plan, would result in a decision to prepare an EIS or a negative declaration. "Piggybacking," however, would result in immediate initiation of EIS preparation, generally by a separate EIS consultant, upon award of the Step 1 grant for each project determined in advance to be highly likely to result in a decision to prepare an EIS. The obvious advantage of the approach is that the period of time in which the assessment would normally be prepared--as much as a year or more--would be eliminated. The facilities planning contractor would not prepare an assessment under the Step 1 grant. For those projects which did not proceed immediately to an EIS using the "piggyback" approach, the grantee would follow the regular procedure of preparation and submission to EPA of an environmental assessment. EPA personnel would then determine, based on the criteria in 40 CFR, Part 6, whether or not to prepare an EIS, in the same manner as is presently the case.

Federal participation in EIS preparation

Under existing practices, an environmental assessment is prepared by the grantee (and its consultant) with varying levels of Federal involvement. To an extent not well defined by the courts, some degree of Federal participation in the assessment process is critical to judicial approval of a negative declaration; EPA has successfully defended actions attacking the lack of an EIS in part by producing evidence of substantial Federal participation in the assessment preparation process. 1/ Concerning preparation of the EIS itself, EPA has no history of litigation on the issue of delegation of EIS preparation responsibility to grantees or their contractors; indeed, virtually all EIS's so far completed have been prepared by EPA itself, or by its contractors. Obviously, delegation to a non-Federal level of substantial responsibility for preparation of the preliminary decision document--the environmental assessment--is of less moment than similar delegation of responsibility for the final decision document (the EIS). Numerous Federal agencies other than EPA have been involved in litigation on this issue. The result has been a conflict in decisions, with the majority view permitting some delegation of EIS preparation responsibility. 2/ In no case, however, has a court suggested that a Federal agency may so completely abdicate its responsibilities for EIS preparation under NEPA as to become a "rubber stamp" for documents prepared by or for grantee agencies. The Federal agency is required to exercise active participation in the EIS preparation and review process. The following discussion from Life of the Land v. Brinegar 3/ is instructive (the case involved an attack on an EIS prepared by a consultant for a State airport agency under a grant from the Federal Aviation Agency):

> "Appellees [the Federal defendants below] concede that under NEPA, the applicable federal agency must bear the responsibility for the ultimate work product designed to satisfy the require-

---

1/ North Amherst Residents for Positive Action v. Train, USDC, W.D.N.Y., C.A. 74-289, August 7, 1974; Edward M. Herbert v. USEPA, USDC, N.D. Ohio, C 74-135, November 15, 1974.

2/ Cases upholding delegation: Sierra Club v. Lynn, 502 F2d 43 (5th Cir., 1974); Movement Against Destruction v. Volpe, 500 F2d 29 (4th Cir., 1974); Iowa Citizens for Environmental Quality v. Volpe, 487 F2d 849 (8th Cir., 1973); Life of the Land v. Brinegar, 485 F2d 460 (9th Cir., 1973) cert den 414 U.S. 1052 (1973); Finish Allatoona's Interstate Right v. Brinegar, 484 F2d 638 (5th Cir., 1973); Citizens Environmental Council v. Volpe, 484 F2d 870 (10th Cir., 1973 cert den ___U.S.___, 94 S. Ct. 1935 (1974); Nat'l Forest Preservation Group v. Volpe, 352 F Supp 123 (D. Mont., 1972).

Cases holding against delegation: Conservation Society of Vermont v. Sect'y of Transportation, 508 F2d 927 (2d Cir., 1974); Greene County Planning Board v. FPC, 455 F2d 412 (2d Cir., 1972) cert den 409 U.S. 841 (1972).

3/ 485 F2d 460 (9th Cir., 1973) cert den 414 U.S. 1052 (1973).

> ment of section 102(2)(C). We find no departure from this requirement here. The record indicates that [FAA] officials actively participated in all phases of the EIS preparation process. The chief of the Airport Division of the ... Agency's Pacific Region testified that he assisted with the preparation from its early stages onward. He stated that, as part of the preparation, regular meetings with other federal officials, State of Hawaii officials, as well as the [consultant's] representatives, were held. Further, an employee of [the consultant] testified as to the active involvement of the [FAA] in the EIS preparation process. [He] concluded that the EIS 'was more or less a joint effort by [the consultant], the State and the F.A.A.'
>
> "The record further reveals that federal officials in Washington, upon receipt of the EIS, continued active examination thereof.
>
> "We agree with the district court's conclusion that 'the evidence shows that F.A.A. officials did in fact work together with state officials and a private contractor and gave it close attention.'" 485 F2d 460, 467.

In Iowa Citizens for Environmental Quality v. Volpe, 4/ the U. S. Court of Appeals for the Eighth Circuit (serving 8 midwestern states) appeared to approve a slightly more passive role for the Federal Highway Administration, citing Life of the Land v. Brinegar, supra:

> "The district court, upon the basis of substantial evidence, specifically found that the FHWA recommended changes in the initial statement and provided additional information to be added to the final statement. Review, modification and adoption by the FHWA of the statement as its own occurred in this case. Such extensive participation by the responsible federal agency would clearly distinguish this case from [contra decisions]. In our present case, the federal agency did not 'abdicate a significant part of its responsibility' to the state highway commission by 'rubber stamping' or adopting an unaltered or incompletely reviewed environmental impact statement." 487 F2d 849, 954.

A much more conservative position has been taken in the Second Circuit, where the court in Conservation Society of Vermont v. Secretary of Transportation 5/ has recently reiterated earlier precedent in that

---

4/ 487 F2d 849 (8th Cir., 1973 .

5/ 508 F2d 927 (2d Cir., 1974).

circuit to the effect that nothing short of "genuine" federal participation is sufficient, although the Federal agency may "solicit and integrate information from state agencies." 6/ One basis for this position was as follows:

> "A state agency is established to pursue defined state goals. In attempting to secure federal approval of a project, 'self-serving assumptions' may ineluctably color a state agency's presentation of the environmental data or influence its final recommendation. Transposing the federal duty to prepare the EIS to a state agency is thus unlikely to result in as dispassionate an appraisal of environmental considerations as the federal agency itself could produce." 508 F2d 927, 931.

The Conservation Society case, as you know, has prompted several proposed amendments to both NEPA and the Federal Aid Highway Act designed to mitigate the anti-delegation impact of the case. FHWA has sought certiorari to the Second Circuit, and the U. S. Supreme Court may yet resolve the delegation issue.

The Second Circuit decision directly involves only highway projects, and is applicable only to those in the States of Vermont, Connecticut and New York. Given contra decisions in five other circuits, we believe "piggybacking" may be implemented outside the Second Circuit without substantial risk of loss in litigation, assuming that (a) Federal personnel will be actively involved on an ongoing basis in review of, and appropriate assistance in, preparation of each "piggyback" EIS, in accordance with the discussion in Life of the Land v. Brinegar, above; and (b) that "piggybacking" will not result in elimination or preparation of EIS's following the regular preparation and review of assessments pursuant to 40 CFR, Part 6. In Regions I and II, for the three states directly subject to the Second Circuit decision, it is clear that greater caution and a more active Federal role in "piggybacking," and EIS development and review generally, is required in order to lessen the risk of successful attack on EIS's prepared there.

Use of separate consultant for "piggyback" EIS preparation

While not required as a matter of law, use of a separate consultant for EIS preparation would appear to partially defuse the Second Circuit's concern for "dispassionate appraisal," and thus mitigate--though not eliminate--the need for Federal involvement in development of each EIS. Indeed, we encourage the use of a second consultant wherever appropriate, and we understand that you propose to encourage this. Although the need for a second consultant may not be as strongly felt outside Regions I and II, in terms of a response to specific legal precedent, the procedure

---

6/ Id., p. 932-33.

would probably provide an extra safeguard of impartiality in the EIS preparation process which could be favorable to the Government's defense in the event suit is filed. Use of the second consultant may arguably offset the decreased Federal profile in the EIS development process which derives from "piggybacking."

As your office noted (with our concurrence) concerning use of contractors for EIS preparation in the NPDES New Source Permit Program, the court in Life of the Land v. Brinegar, supra, specifically approved of EIS preparation by a consultant contractor of the grantee agency.* This was so even though the particular consultant involved had a "follow-on" financial interest in construction of the project. 485 F2d 460, 467 (Whether this position would be consistently adopted in other courts is open to conjecture). That case provides some legal precedent for use of a single consultant to prepare both the Step 1 facilities plan and the EIS under a construction grant; nonetheless, the better approach is to use a second, separate consultant for EIS preparation. 7/

The grantee's contractual relationship with the EIS contractor is a highly effective means of assuring adequate use of the grantee's particular and localized knowledge of the project, and of implementing the grantee's own derivative responsibilities under NEPA. At the same time, EPA legally must maintain a federal presence in the EIS preparation process consistent with the discussion above, and therefore must require that the grantee assure EPA's access to all EIS-related activities of the contractor and the grantee. To avoid later confusion concerning the roles of the respective parties, we have suggested that you require each grantee to include substantially the following language in each "piggyback" contract:

> "This contract is funded in part with funds made available under a grant from the U. S. Environmental Protection Agency. This contract is subject to regulations contained in 40 CFR, Subchapter B and particularly §35.937-9. Neither the United States nor the U. S. Environmental Protection Agency is a party to this contract."

Relationship to 40 CFR, Part 6

We suspect that "piggybacking" may involve incidents of technical noncompliance with regulations set forth in 40 CFR, Part 6. EPA must be particularly sensitive to such violations, given the decisions of the Comptroller General of the U. S. in Decisions No. B-181015, dated

---

7/ We note that the hiring by the grantee of a separate consultant to conduct EIS preparation independently of the grantee's consultant responsible for the balance of Step 1 or Step 2 work appears quite similar to the process suggested for "Value Engineering" suggested in Mr. Cahill's Program Guidance Memorandum No. 45, dated December 11, 1974, and is equally well justified.

*See attached memorandum from OFA dated May 15, 1975.

December 23, 1974. In response to a complaint of violation of certain provisions of 40 CFR, Part 6 on a construction grant project in Region III, he found that "... there is no indication on the record that EPA complied with its regulations implementing [NEPA] ... we recommend that action be taken to insure future compliance with the regulations." We believe that "piggybacking" is a lawful implementation of NEPA if properly administered, and that it appears to adequately reflect the spirit of our regulations. Because of the recent decision of the Comptroller General, however, we suggest that the "Piggyback" package distributed to the regions note that the procedure is being implemented on a trial basis, and tnat if successful, it will be incorporated in regulations.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JECT: Legality of EIS Preparation by a Third Party Contractor Under the NPDES New Source Permit Program

DATE: MAY 1 5 1975

FROM: AH

TO: Mr. John White
Deputy Regional Administrator
Region IV, Atlanta

In response to your recent inquiry regarding the Louisville Gas and Electric Company's new source permit, we feel that third party contractors may be used in EIS preparation under the new source program under certain conditions. First, the contractor must not stand to gain financially if the permit was issued and, second, EPA must provide guidance, participate in the EIS preparation process and independently evaluate the EIS prior to its approval and adoption.

Except for one case, the court decisions on EIS delegation to applicants do not involve preparation by contractors. However, the opinions of the U.S. Circuit Courts of Appeals have stood for one over-riding principle, i.e., the Federal agency has sufficient flexibility in the NEPA process to solicit and integrate information gathered by applicants for Federal aid as long as the Federal agency independently evaluates the data and prepares the statement. This view was first enunciated by the second circuit in Greene County Planning Board v EPC, 455 F2d 412 [2nd Cir., 1972] and has been incorporated into section 1500.7(c) of the CEQ guidelines. This approach has been followed by several circuits involving the delegation of EIS preparation activities by the U.S. Department of Transportation. The 4th, 5th, 8th and 10th Circuits have carefully scrutinized the degree of Federal involvement in the EIS process and have only approved delegation of EIS preparation activities where DOT had extensively reviewed and analyzed the data gathered by the applicant. Most recently, the Second Circuit Court of Appeals in Conservation Society v Secretary of Transportation, 7 ERC 1236 [2nd Cir., Dec. 11, 1974] disapproved an EIS written by the Vermont Highway Department with insufficient Federal involvement

The one opinion involving EIS preparation by a third party contractor, Life of the Land v Brinegar 485 F2d 460 [9th Cir., 1973] upheld such delegation despite the apparent danger of a self-serving EIS. A consultant to the Hawaii Department of Transportation had prepared much of the EIS on a proposed FAA grant for runway construction. Even though the consulting firm stood to gain substantially from further additional contracts if the runway were approved, the court "found nothing in NEPA or the case law which precludes a firm with a financial interest in the project from assisting with EIS preparation." The court further found the EIS preparation to be "more or less a joint effort with significant Federal agency participation."

This case apparently differs from the rationale of the other circuits in that the contractor's financial interest in the project's completion clearly created the possibility of a self-serving EIS. Thus, the majority of circuits if confronted with a similar factual situation would probably require contractors who do not have a later financial stake in a project as well as independent Federal guidance and evaluation in the process in order to achieve the goal stated in previous opinions, i.e., an unbiased, objective decision by the Federal agency.

EPA's use of contractors for EIS preparation under the NPDES program would have to ensure objectivity through careful Federal supervision in order to comply with the majority view. A proposed addition to the proposed NEPA regulation for new source NPDES permits would presumably ensure this objectivity:

> "If the NS/EQ [New Source/Environmental Questionaire] reveals that the preparation of an environmental impact statement is required, which necessitates the development of data and information which will result in substantial expense to the United States, the [responsible official] may require reports, data and other information for the EIS to be compiled by a third party under contract with the applicant and furnished directly to the [responsible official]. In such cases, the [responsible official] shall approve the selection of this third party contractor after consulting with interested Federal, State, and local agencies, public interest groups, and members of the general public, as he deems appropriate to assure objectivity in this selection. The [responsible official] shall specify the type of information to be developed and shall maintain control of the project throughout the gathering and presentation of this information." [Proposed to be inserted as subsection (d) of section 6.908 "Procedures for Environmental Review.]

Before you commence action concerning the Louisville Gas and Electric Company's new source NPDES permit, you must ensure that the spirit of the proposed addition has been carried out to be in accord with NEPA. The third party contractor would have to be selected objectively and should not have any future financial interest in the project. EPA would have to exercise strict control over his activities to ensure that the data developed and alternatives considered are independently evaluated. This approach would comply with the intent of NEPA, as interpreted by the majority ~~of~~ courts, i.e., . . . to ensure an objective Federal evaluation of a proposed action.

Please be advised that the Office of General Counsel has concurred in this response.

Sheldon Meyers
Director
Office of Federal Activities

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 1 1 1976

PROGRAM REQUIREMENTS MEMORANDUM PRM NO. 75-32
Program Guidance Memorandum PG-59

SUBJECT: Compliance with Title VI in the Construction Grants Program

FROM: Alvin L. Alm, Assistant Administrator
for Planning and Management (PM-208) AA

Andrew W. Breidenbach, Assistant Administrator
for Water and Hazardous Materials (WH-556)

TO: Regional Administrators I - X
ATTN: Water Division Directors

Background

Title VI of the Civil Rights Act of 1964 requires Federal agencies to assure that no person shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Recently questions have arisen as to the application of Title VI to the EPA construction grants program. Several regional offices have asked what additional responsibility is placed on the Agency by Title VI with respect to sewage collection systems for minority areas not presently sewered.

The EPA regulation, Nondiscrimination in Federally Assisted Programs, 40 CFR Part 7, July 5, 1973, sets forth basic Agency policies and procedures for complying with Title VI in all affected EPA programs. This guidance memorandum states additional Agency policy as to Title VI compliance by the construction grants program.

Policy

The Regional Administrator shall take positive steps to assure that the benefits of the construction grants program are not denied any group or person because of considerations of race, color or national origin.

Special attention should be paid to two areas of the grants process, the development of priority lists and hearings on facility plans, to determine whether action is necessary to prevent Title VI violations. The following steps should be taken:

I. Review of Priority System

The Regional Administrator shall review each state project priority system and each annual project priority list to discover whether priority lists are being developed which regularly rank projects serving predominantly minority populations lower than comparable projects serving non-minority populations. EPA water quality strategy priorities presently place collection system projects fourth. However, our current policy allows States to raise collection system projects to a higher priority when such projects are necessary to remedy particular pollution problems, including when such a change is necessary to correct a pollution problem combined with an existing racially discriminatory situation so that Title VI requirements are met. States must follow EPA priorities in structuring their priority systems and in developing their annual project lists. When the failure of a State to follow EPA policies in structuring its priority list results in a racially discriminatory situation, the Regional Administrator must take appropriate action to bring identified problem priority systems into accord with EPA priority system criteria and Title VI requirements.

II. Public Hearing on Priority List

The Title VI requirements should be discussed at the public hearing required prior to approval of the annual project priority list and comments solicited as to potential Title VI violations. Specifically, information should be requested as to minority areas which desire to be served by grants projects listed on the priority list and which evidence a willingness to accept the financial obligations which accrue to treatment facility users but feel they will be denied the benefits because the projects do not provide for collection lines to serve those areas. The Regional Administrator shall carefully evaluate the need for collection systems for those minority areas so identified at the public hearing. When he determines that the funding of collection systems to the minority areas is necessary to meet the requirements of Title VI and is in conformance with EPA priority criteria and the approved state priority system, he shall withhold approval of the state priority list until it can be modified to comply with Title VI.

III. Public Hearings on Facility Plans

The Title VI requirements should also be discussed at public hearings held prior to approval of each facility plan and other grants projects where a reasonable possibility exists such requirements may be contravened. The Regional Administrator shall determine by such hearings whether any minority areas exist which desire to be served by the project and which evidence a willingness to accept the financial obligations which accrue to treatment facility users but which will not be served because the project will not provide collection lines to those areas.

The Regional Administrator, if he determines such minority areas exist, shall evaluate and compare the following considerations in determining what action to take on a facility plan or other grants project;

1. the need for collection lines for the minority area from a pollution control or public health standpoint,

2. the ranking such a collection line project would receive on the state project priority list, applying existing Federal and state priority criteria,

3. existing or past patterns of discrimination which would tend to deny the benefits of the project to minority areas in the grantee community,

4. the extent to which minority residents will be denied the benefits of the proposed project on the basis of race, color or national origin should the proposed project be constructed,

5. the cost and engineering feasibility of constructing collection lines in the unsewered minority areas,

6. the cost-effectiveness of adding a collection line element to the proposed project.

IV. Possible Actions to be Taken

The Regional Administrator shall take into account both the requirements of P.L. 92-500 and of Title VI in making a final decision on the project. Appropriate actions, based on the above considerations, may include;

1. withhold approval of the proposed project until the grantee takes steps to sewer the minority area,

2. approval of a modified project which will provide service to minority areas,

3. approval of the project as originally proposed.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

PROGRAM REQUIREMENTS MEMORANDUM PRM NO. 75-33
Program Guidance Memorandum PG-60

11 AUG 1975

SUBJECT: Discount Rate

FROM: Harold P. Cahill, Jr., Director
Municipal Construction Division (WH-547)

Harold P Cahill

TO: Regional Water Division Directors

Enclosed is a copy of the notice of the new discount rate of 6 1/8 percent as published by the Water Resources Council The new rate is to be used in all new facility planning starts. Cost-effective analyses performed for the first time on projects are to be based on the present Water Resources Council rate of 6 1/8 percent.

We have arranged to distribute the enclosed information to consulting engineers through the "Construction Grants Newsletter" and through the newsletter of the Consulting Engineers Council. Please distribute copies of this information to the States for use in their programs.

Enclosure

INFO MEMO

U.S. Water Resources Council, 2120 L Street, N.W., Washington, D.C. 20037

July 25, 1975

WRC	Warren D. Fairchild	AWRBIAC	John C. White
USDI	Lance Marston	CEQ	Robert Smythe
USDA	William B. Davey	DRBC	Thomas F. Schweigert
ARMY	J. W. Morris	CLBC	Frederick O. Rouse
FPC	George G. Adkins	JUST	Walter J. Fiechel
HEW	Paul S. Cromwell	MRBC	John W. Neuberger
DOT	William R. Riedel	NERBC	R. Frank Gregg
		OMB	Thomas W. Berry
COMM	Donald R. Baker	ORBC	Fred E. Morr
EPA	Albert J. Erickson	PNRBC	Donel J. Lane
HUD	Truman Goins	PSIAC	Webster Otis
		SEBIAC	Clair P. Guess
		SRBC	Thomas C. H. Webster
		TVA	Edward H. Lesesne
		UMRBC	George W. Griebenow

Subject: Discount Rate and Water Supply Act of 1958 Interest Rate

The interest rate to be used by Federal agencies in the formulation and evaluation of plans for water and related land resources is 6 1/8 percent for the period July 1, 1975 through and including June 30, 1976. Attached for your use and information is the notice of change in the discount rate sent to the "Federal Register" July 24, 1975.

The interest rate determined in accordance with the provisions of Section 301 (b) of the Water Supply Act of 1958 is 5.116 percent, which if adjusted to the nearest 1/8 of 1 percent is 5 1/8 percent.

Peter P. Ramatowski, Acting
Warren D. Fairchild
Director

Attachment

United States
Water Resources Council

Principles and Standards for Planning Water and Related Land Resources

Change in Discount Rate

Notice is hereby given that the interest rate to be used by Federal agencies in the formulation and evaluation of plans for water and related land resources is 6 1/8 percent for the period July 1, 1975, through and including June 30, 1976.

The rate has been computed in accordance with Chapter IV, D., "The Discount Rate" in the "Standards for Planning Water and Related Land Resources" of the Water Resources Council, as amended (39 FR 29242), and is to be used by all Federal agencies in plan formulation and evaluation of water and related land resources projects for the purpose of discounting future benefits and computing costs, or otherwise converting benefits and costs to a common time basis.

The Department of the Treasury on July 17, 1975, informed the Water Resources Council pursuant to Chapter IV, D., (b) that the interest rate would be seven percent based upon the formula set forth in Chapter IV, D., (a): " * * * the average yield during the preceding Fiscal Year on interest-bearing marketable securities of the United States which, at the time the computation is made, have terms of 15 years or more remaining to maturity * * *." However, Chapter IV, D., (a) further provides " * * * [t]hat in no event shall the rate be raised or lowered more than one-quarter of one percent for any year." Since the rate in Fiscal Year 1975 was 5 7/8 percent (39 FR 29242), the rate for Fiscal Year 1976 is 6 1/8 percent.

Peter P. Rumatowski, Acting
Warren D. Fairchild
Director

Reproduced from best available copy.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 16 1975

PROGRAM REQUIREMENTS MEMORANDUM PRM NO. 75-34
Program Guidance Memorandum PG-61

SUBJECT: Grants for Treatment and Control of Combined Sewer Overflows and Stormwater Discharges

FROM: John T. Rhett, Deputy Assistant Administrator for Water Program Operations (WH-546) John T. Rhett

TO: Regional Administrators
Regions I - X

This memorandum summarizes the Agency's policy on the use of construction grants for treatment and control of combined sewer overflows and stormwater discharges during wet-weather conditions. The purpose is to assure that projects are funded only when careful planning has demonstrated they are cost-effective.

I. Combined Sewer Overflows

A. Background

The costs and benefits of control of various portions of pollution due to combined sewer overflows and by-passes vary greatly with the characteristics of the sewer and treatment system, the duration, intensity, frequency and areal extent of precipitation, the type and extent of development in the service area, and the characteristics, uses and water quality standards of the receiving waters. Decisions on grants for control of combined sewer overflows, therefore, must be made on a case-by-case basis after detailed planning at the local level.

Where detailed planning has been completed, treatment or control of pollution from wet-weather overflows and bypasses may be given priority for construction grant funds only after provision has been made for secondary treatment of dry-weather flows in the area. The detailed planning requirements and criteria for project approval follow.

B. Planning Requirements

Construction grants may be approved for control of pollution from combined sewer overflows only if planning for the project has thoroughly analyzed for the 20 year planning period:

1. Alternative control techniques which might be utilized to attain various levels of pollution control (related to alternative beneficial uses, if appropriate), including at least initial consideration of all the alternatives described in the section on combined sewer and stormwater control in "Alternative Waste Management Techniques and Best Practicable Waste Treatment" (Section C of Chapter III of the information proposed for comment in March 1974).

2. The costs of achieving the various levels of pollution control by each of the techniques appearing to be the most feasible and cost-effective after the preliminary analysis.

3. The benefits to the receiving waters of a range of levels of pollution control during wet-weather conditions. This analysis will normally be conducted as part of State water quality management planning, 208 areawide management planning, or other State, regional or local planning effort.

4. The costs and benefits of addition of advanced waste treatment processes to dry-weather flows in the area.

C. Criteria for Project Approval

The final alternative selected shall meet the following criteria:

1. The analysis required above has demonstrated that the level of pollution control provided will be necessary to protect a beneficial use of the receiving water even after technology based standards required by Section 301 of P.L. 92-500 are achieved by industrial point sources and at least secondary treatment is achieved for dry-weather municipal flows in the area.

2. Provision has already been made for funding of secondary treatment of dry-weather flows in the area.

3. The pollution control technique proposed for combined sewer overflow is a more cost-effective means of protecting the beneficial use of the receiving waters than other combined sewer pollution control techniques and the addition of treatment higher than secondary treatment for dry-weather municipal flows in the area.

4. The marginal costs are not substantial compared to marginal benefits.

Marginal costs and benefits for each alternative may be displayed graphically to assist with determining a project's acceptability under this criterion. Dollar costs should be compared with quantified pollution reduction and water quality improvements. A descriptive narrative should also be included analyzing monetary, social and environmental costs compared to benefits, particularly the significance of the beneficial uses to be protected by the project.

II. Stormwater Discharges

Approaches for reducing pollution from separate stormwater discharges are now in the early stages of development and evaluation. We anticipate, however, that in many cases the benefits obtained by construction of treatment works for this purpose will be small compared with the costs, and other techniques of control and prevention will be more cost-effective. The policy of the Agency is, therefore, that construction grants shall not be used for construction of treatment works to control pollution from separate discharges of stormwater except under unusual conditions where the project clearly has been demonstrated to meet the planning requirements and criteria described above for combined sewer overflows.

III. Multi-purpose Projects

Projects with multiple purposes, such as flood control and recreation in addition to pollution control, may be eligible for an amount not to exceed the cost of the most cost-effective single purpose pollution abatement system. Normally the Separable Costs-Remaining Benefits (SCRB) method should be used to allocate costs between pollution control and other purposes, although in unusual cases another method may be appropriate. For such cost allocation, the cost of the least cost pollution abatement alternative may be used as a substitute measure of the benefits for that purpose. The method is described in "Proposed Practices for Economic Analysis of River Basin Projects," GPO, Washington, D. C., 1958, and "Efficiency in Government through Systems Analysis," by Roland N. McKean, John Wiley & Sons, Inc., 1958.

Enlargement of or otherwise adding to combined sewer conveyance systems is one means of reducing or eliminating flooding caused by wet-weather conditions. These additions may be designed so as to produce some benefits in terms of reduced discharge of pollutants to surrounding waterways. The pollution control benefits of such flood control measures, however, are likely to be small compared with the costs, and the measures therefore would normally be ineligible for funding under the construction grants program.

All multi-purpose projects where less than 100% of the costs are eligible for construction grants under this policy shall contain a special grant condition precluding EPA funding of non-pollution control elements. This condition should, as a minimum, contain a provision similar to the following:

> "The grantee explicitly acknowledges and agrees that costs are allowable only to the extent they are incurred for the water pollution control elements of this project."

Additional special conditions should be included as appropriate to assure that the grantee clearly understands which elements of the project are eligible for construction grants under Public Law 92-500.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 29 1975

PROGRAM REQUIREMENTS MEMORANDUM PRM NO. 75-35
Program Guidance Memorandum PG-62

SUBJECT: Allowable Costs for Construction of Treatment Works that Jointly Serve Municipalities and Federal Facilities

FROM: John T. Rhett, Deputy Assistant Administrator for Water Program Operations (WH-546) John T Rhett

TO: Regional Administrators

ATTN: Water Program Division Directors*

I. PURPOSE

A number of questions have arisen on FWPCA grant funding of the construction of municipal treatment works that would jointly serve Federal facilities and municipalities. This memorandum provides guidance on determination of allowable costs of such treatment works and options for payment of the Federal facility portion of construction costs.

II. ALLOWABLE COSTS

Whenever a planned treatment works will jointly serve a municipality and a Federal facility, that portion of construction cost allocable to the Federal facility will not be allowable for 75 percent construction grant funding, subject to the following exceptions:

1. Facility planning (Step 1) costs.

2. Cost of Step 2 work if a Step 2 grant has been certified by the State for funding to EPA prior to the date of this guidance.

3. Design and construction costs allocable to a Federal facility producing less than 250,000 gallons per day or 5 percent of the total design flow of waste treatment works, whichever is less.

That portion of the construction costs allocable to the Federal facility shall be based on all factors which significantly influence the cost of the treatment works. Factors such as strength, volume, and delivery flow rate characteristics will be considered and included to insure a proportional allocation of costs to the Federal facility.

As a minimum, the portion of construction cost allocable to the Federal facility should be based on the ratio of its total hydraulic requirements, including allowances for future needs, to the total design flow of the treatment works. The portion (percentage) allocable to the Federal facility must be agreed upon by the municipality and Federal agency, and approved by EPA prior to award of a Step 2 or Step 3 grant, whichever is applicable, for the works or any portion thereof.

As an example, in a $10,000,000 actual construction project for which the Federal facility share has been agreed upon as 20 percent of the total project cost, the allowable cost and construction grant funding would be as follows:

Total joint project cost	$10,000,000	
Federal facility share	2,000,000	(20%)
Maximum allowable cost	$ 8,000,000	
Grant	0.75	(75%)
EPA grant funding	$ 6,000,000	

III. OPTIONAL PAYMENT ARRANGEMENTS FOR FEDERAL FACILITY COST SHARE

The EPA grantee may negotiate a payment schedule for the Federal facility share with the concerned Federal agency. If payments are not possible on a timely basis, a possible option is for the grantee to finance, through bonds or a bank loan, the Federal facility cost share over an agreed upon number of years and accept periodic payments of principal and interest. Payments would be provided for in 10-year renewable utility contracts which are authorized by the Federal Property and Administrative Services Act. Other payment options may be possible, depending upon the local situation.

IV. COST SHARING ASSURANCES

The EPA grantee should provide assurances satisfactory to EPA as part of the Step 2 grant application (or Step 3 if the Step 2 grant was awarded prior to the effective date of this guidance) that:

1. the Federal facility cost share has been determined as required herein,
2. the Federal facility cost share has been deducted from the grant eligible costs, and
3. funds comprising the local plus Federal facility cost shares will be provided as needed to meet design and construction payment schedules.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

SUBJECT: DOD Participation in Regional Wastewater Treatment Projects

DATE: 20 [illegible]

FROM: Harold P. Cahill, Director
Municipal Construction Division (WH-547)

Harold P Cahill

TO: Regional Water Division Directors
Regional Water Branch Chiefs

Note that the attached memorandum on DOD Participation in Regional Wastewater Treatment Projects should be filed with Program Guidance Memorandum No. 62.

Enclosure

ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

HEALTH AND
ENVIRONMENT

28 JAN 1976

MEMORANDUM FOR Deputy for Environmental Affairs, OASA(CW)
Special Assistant to ASN(I&L)
Special Assistant for Environmental Quality,
SAF/ILE

SUBJECT: DoD Participation in Regional Wastewater Treatment Projects

In my letter of 23 December 1975, I enclosed a letter from the Office of Management and Budget which forwarded policy guidance on the manner in which the financing for the DoD portion of capital costs of joint projects would be computed and furnished. Essentially, the policy disallows the capital costs attributable to the DoD share when computing the amount of EPA construction grant funding to be provided. This means that the DoD share of joint facilities will be appropriated through normal processes, just as if the installation had gone it alone.

The enclosed letter from EPA indicates that there is guidance to the field that should be modified to reflect the recent OMB decision mentioned above. I am confident that we can resolve many of the present impasses by indicating to regional and municipal representatives our willingness to participate when economically feasible, while pointing out the appropriations time lag and the attendant statutory limitations on the contracting process. Their appreciation of these problems should help all parties to arrive at mutually agreeable solutions.

While I recognize that, in some cases, our share of capital costs has escalated for various reasons to levels far above the estimated cost of constructing DoD treatment facilities, future decisions to participate in joint facilities must be based on sound economic assessments gained through continual participation in the planning processes.

AMERICAN REVOLUTION BICENTENNIAL
1776-1976

I am responding to EPA to assure them that our policies will be revised to rectify the previous misunderstandings, and that the DoD intends to pay for its share of capital costs of joint facilities. I will also ask them to initiate appropriate revisions to 40 CFR 35 to clarify those portions of subpart E that have led to much of our difficulties.

A copy of your implementing guidance should be furnished to this office.

George Marienthal

George Marienthal
Deputy Assistant Secretary of Defense
(Environmental Quality)

Enclosure

RECEIVED
FEB 4

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

PROGRAM REQUIREMENTS MEMORANDUM PRM NO. 75-36
Program Guidance Memorandum PG 63

SUBJECT: Value Engineering in the EPA Construction Grants Program.

DATE: 1-20-76

FROM: John T. Rhett, Deputy Assistant Administrator
for Water Program Operations (WH-546)

John T. Rhett

TO: All Regional Administrators
Attn: Director, Water Program Division

I. Purpose

The purpose of this program guidance memorandum is to:

1. Provide interim policy on the use of value engineering (VE) in the EPA construction grant program;

2. Provide the schedule of a mandatory VE program.

3. Update the information on the EPA/VE program contained in PGM No. 45 (December 11, 1974). This program guidance memorandum supersedes PGM No. 45.

II. Policy

1. Value Engineering analysis proposed by a grant applicant is grant eligible when written approval is issued by the Regional Administrator prior to the VE analysis.

2. The grant eligibility of the VE fee is limited to the actual VE analysis of the project. The applicant may incorporate training as part of the proposed VE workshop. However, the intention must be so stated in the proposal, and all costs associated with such training must be computed separately. For example, the cost for a VE instructor, additional time and room space, etc., must be itemized and separately identified for training. These additional costs for training are not grant eligible.

3. The additional engineering fee for any significant redesign to implement an accepted VE recommendation is grant eligible when approved by the Regional Administrator prior to the redesign.

EPA Form 1320-6 (Rev. 6-72)

III. VE - Definition

VE is a specialized technique for controlling cost. The technique is based on a systematic and creative approach which incorporates the following key characteristics.

1. VE analysis is performed by a multidisciplinary team of design professionals guided by a VE coordinator;

2. the VE team evaluates cost and function relationships;

3. the VE team identifies and focuses on high cost areas;

4. the VE technique includes a creative session to ensure generation of alternatives;

5. cost savings are accomplished without sacrificing quality or reliability of the project;

6. the VE team makes recommendations to the original designer and owner.

IV. Background

To ensure that the Nation's resources are wisely used, PL 92-500 and the EPA Construction Grant Regulations emphasize the cost-effectiveness approach. However, the existing cost-effectiveness program focuses primarily on the Step 1 grant process. It is essential that cost control be extended whenever it is appropriate and practical to do so.

In 1974, a voluntary VE program was introduced for application in the Step II grant process. As a result, EPA construction grant projects have been subjected to VE analysis under actual grant conditions. Results from these VE projects indicate:

1. VE is effective for cost control in water pollution control projects;

2. cost savings have been substantial in all cases completed to date;

3. project delays can be prevented when the VE program is properly managed;

4. quality and reliability of the project are maintained;

5. VE is beneficial to project designers in terms of more efficient and better design techniques.

In view of the results of the voluntary program, the use of VE should be encouraged and extended to include as many projects as practicable.

V. Procedure

A. Content of the VE proposal

For those projects where a VE analysis will be performed, the applicant must submit for approval through the State to the Regional Administrator, a VE analysis proposal as part of the Step II grant application, or as an add-on where the Step II grant has already been awarded. This proposal should include the following information.

1. Scope of the VE analysis - Normally, the VE analysis should be applicable to all components and systems, including treatment process selection. The only exception is that the legal or regulatory requirements (such as permit discharge limitations) are not to be modified by the VE process. If the applicant wishes to limit the scope, he must so state and provide justification in the proposal.

2. VE team - The applicant should provide brief information on the professional background and experience (with emphasis on VE) of each team member and team coordinator (see section VI).

3. Level of VE effort - Depending on the size and complexity of the project, the VE effort may vary from one team and one review session to multiple teams and/or multiple review sessions in order to adequately review the project. The applicant should propose the appropriate VE effort to meet the need. For example, a large plant with advanced treatment processes may justify the need for two or more VE teams. Similarly, two separate studies may be proposed. The first study would be held when the design stage (Step II) is approximately 20 percent - 30 percent complete to review the treatment process, project design life, plant layout, structural design, hydraulic capacity, etc. The second workshop would be held when the electrical and mechanical systems design is ready to focus on these items. For projects such as a pumping station, interceptors, etc., a small team will normally be adequate.

4. VE fee - The applicant should submit a detailed fee schedule for conducting the VE analysis. The fee schedule should list the man-hour requirements for the recommended level of effort. Manhour unit costs and overhead costs should also be given.

5. Timing - Proper management is the key to preventing project delays. The applicant should carefully schedule the VE analysis so that the VE and the progress design can proceed concurrently. A detailed VE schedule in relation to project design and review should be included in the proposal.

B. VE Summary Reports

1. Preliminary VE report - Upon completion of the VE analysis, a report must be submitted to provide the following information:

- Scope of VE analysis
- Basic VE methodology employed including results for each phase (information, functional analysis, cost model, creativity, analysis of alternatives, and development).
- Summary of VE recommendations
- Estimated cost savings for each recommended alternative

2. Final VE report - A report describing final implementation of the VE recommendations must be submitted. The report is to include:

- Accepted recommendations
- Cost and schedule for implementing the accepted recommendations
- Rejected recommendations and reasons for the rejection
- Net savings for both capital costs and total costs over the planning period

C. EPA Review and Approval

1. VE proposal - In order to prevent any delay, particularly where the VE proposal is a part of Step II grant application, the applicant should make every effort to ensure that adequate information is included in the proposal. When appropriate, the Regional Administrator may condition the grant so that design work can proceed.

2. Implementation of VE recommendations - Upon completion of the VE analysis, recommendations will be submitted by the VE team to the applicant. Normally, the applicant and the project designer will determine how the recommendations can be implemented. Results of such decisions will be submitted to the State and EPA for review. When it is determined that rejection of a VE recommendation is unfounded, the Regional Administrator may, on the basis of cost-effectiveness, request further explanation or reconsideration of the rejected VE recommendation.

VI. VE Team and Qualifications

1. Team Coordinator - In addition to demonstrated technical and managerial capability, the team coordinator must have successfully completed a 40 hour VE workshop conducted by an appropriate organization such as the General Services Administration, the American Institute of Architects, the American Consulting Engineers Council, or an accredited university. In addition to the academic training requirement, some actual VE experience on a construction project will be required. Ideally, two actual VE experiences on a construction project should be a minimum requirement for the VE coordinator. However, such a stringent requirement will not be realistic at this time because VE is still new to most sanitary engineering firms and therefore there may not be sufficient qualified VE coordinators available to meet our needs. In view of this, the Regional Administrator can prior to December 31, 1976, approve the VE coordinator's qualifications based on the academic training requirement only.

2. VE team members - They may or may not have VE background, however, they must be experienced design professionals in their own field. Size and composition of the team varies depending on the type of project to be studied. For a treatment plant, the team may consist of an electrical engineer, a mechanical engineer, a civil/structural engineer, a sanitary engineer and a cost estimator.

3. In-house VE capability - Some large design firms have developed an in-house VE capability. A proposal to use this capability is acceptable, provided the designer certifies that the team members have not actually been involved in any part of the proposed project design except for VE analysis.

VII. VE Workshops and VE Project Review Sessions

1. Project review workshop - Normally, a project review conducted according to the basic VE job plan (information, functional analysis, creativity, evaluation and development) will require approximately 40 hours of team effort. Additionally, pre-workshop preparation and post-workshop followup may take two to four weeks total, depending on project size.

2. Training and actual project review workshop combined - If the applicant wishes to incorporate training in the project workshop, the intent must be stated in the initial proposal and additional costs associated with training must be properly identified and computed separately. Costs for training are not grant eligible. Normally, combined training and review workshops will require more than 40 hours and adequate time must be allocated to project review.

VIII. Mandatory VE Program

In view of the magnitude of the EPA construction grant program, and to ensure that more projects will receive the benefits of VE review, a mandatory VE program based on the following schedule is being developed.

1. After July 1, 1976, a VE proposal will be required in all Step II grant applications with a total estimated project construction cost of $10 million or greater.

2. For those projects where VE would not be mandatory, VE participation is voluntary and is encouraged.

3. The mandatory VE analysis is applicable to Step II grants only (i.e., preparation of plans and specifications).

IX. VE Handbook and References

A Value Engineering Handbook has been prepared and will be made available to Regional Offices for distribution. The Handbook contains information pertaining primarily to how to make a VE proposal for an EPA project. The Handbook does not contain detailed instructions on how to accomplish a VE study. The following references contain that type of information:

Dell'Isola, A.J. Value Engineering in the Construction Industry. 1st Edition. New York. Construction Publishing Co. 1973.

GSA. *Design for Value*.

GSA. *Value Engineering Handbook*. PBS P8000.1

GSA. *Value Engineering Workbook*.

Gage, William L. *Value Analysis*. New York - McGraw-Hill. 1967.

Martin Company. *Value Engineering Program*. *Book II - Cost Analysis*. Self-Study Program. 1963.

Martin Company. *Value Engineering Program*. *Book III - Functional Evaluation*. Self-Study Program. 1965.

Martin Company. *Value Engineering Program*. *Book IV - Creativity in Value Engineering*. Self-Study Program. 1965.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 17 1976

PROGRAM REQUIREMENTS MEMORANDUM PRM NO. 75-37
Program Guidance Memorandum
PG-65

Subject: User Charge System: Plan and Schedule

From: John T. Rhett, Deputy Assistant Administrator for Water Program Operations (WH-546) John T Rhett

To: Regional Administrators
ATTN: Water Division Directors

The purpose of this memorandum is to stress the importance of implementing the regulation which requires the grantee to submit, with his Step 2 application, a plan and schedule for the implementation of his user charge system in sufficient detail to enable the Regional Office to monitor developmental progress and to enforce schedule compliance.

Title II regulations (40 CFR 35.925-11), require the Regional Administrator to determine, at the time of grant approval, that the grantee has developed "...an approvable plan and schedule of implementation..." for a system of user charges. However, a recent GAO study found this requirement to be inconsistently applied. In some cases, implementation schedules submitted by grantees were very brief, and consequently, the Region lacked criteria needed to adequately monitor the grantee's progress. Accordingly, the Comptroller General's report recommended that "...the Agency require the submission of plans and schedules of implementation from the grantees at the time of grant approval in sufficient detail to provide the Agency with enforceable schedules."

Following receipt of this report, a copy of the Comptroller General's letter was sent to the Regional Offices to alert them to the problem. In addition, the section of the Construction Grant Handbook on User Charge Systems was modified to include the following:

> "In the Step 2 application, the applicant must have developed an approvable plan and schedule for the implementation of a user charge system. During the Step 3 grant activity, the applicant must show evidence of carrying out the implementation plan in accordance with that schedule."

In brief, Regions are not to wait until the 50% payment point to insure that "...the grantee has submitted adequate evidence of timely development of its system(s) of user charges." (§35.935-13). The implementation schedule in the Step 2 application should provide for the timely submission of specific documents--such as resolutions of system adoption from the grantee and communities in the project service area, partially or fully drafted user charge systems, sewer use ordinances, etc.--as concrete evidence of implementation progress.

Also, steps should be taken in each Region to remind grantees of a possible "Hold" on payments at the 50% construction point before that point is reached. For example, the grantee's file could be checked when a request for a 30% to 40% payment is submitted to determine if "...evidence of timely development..." has been received. If not, a letter reminding the grantee of the requirement should be included with that 30%-40% payment so to obviate the need for delay at the 50% level.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 9 1976

PROGRAM REQUIREMENTS MEMORANDUM PRM NO. 75-38
Program Guidance Memorandum PG-66

OFFICE OF WATER AND
HAZARDOUS MATERIALS

SUBJECT: Relationship Between 201 Facility Planning and Water Quality Management (WQM) Planning

FROM: Andrew W. Breidenbach, Assistant Administrator
for Water and Hazardous Materials

TO: Regional Administrators
Regions I - X

PROGRAM GUIDANCE MEMORANDUM
Construction Grants No. 66
Water Quality Management SAM-1

PURPOSE

This policy statement describes the relationships between 201 facility planning and WQM planning under Section 208 and the minimum facility planning requirements which an initial WQM plan must meet for EPA approval of the WQM plan.

The purpose is to assure that facility plans can be completed and processed expeditiously through EPA approval during those periods when an initial WQM plan is either being prepared, approved, or implemented. A second purpose is to have initial WQM plans prepared that satisfy, at a minimum, certain requirements with respect to facility planning. As WQM planning requirements overlap with the 201 planning requirements, this policy seeks to minimize duplication and conflict between the two planning efforts.

This policy statement supersedes the memo on the same subject signed March 11, 1975, by James L. Agee (issued as construction grants program guidance memo number 47 and planning guidance memo AM-1). Any other policy or guidance statements contrary to this policy are also superseded. This policy statement applies to all agencies (State and local) responsible for either 201 or WQM planning.

BACKGROUND

201 Facility Planning

Facility planning consists of the plans and studies prerequisite to the award of grant assistance for detailed design and construction of publicly-owned treatment works. In the absence of a completed and approved WQM plan or approved interim outputs produced by the WQM planning process, the facility plan must contain the following elements:

1. Description of the planning area.
2. Selection of service areas.
3. Selection of overall treatment systems, including location, capacity and configuration of all facilities, treatment levels, and preliminary identification of type of treatment and method of disposal of residual wastes.
4. Analysis supporting the selections in 2 and 3 based on identification, evaluation and cost-effective comparison of alternatives.
5. Preliminary designs and studies related to the selected wastewater treatment systems, including sewer evaluation surveys, surface and subsurface investigations of sites for proposed facilities, preliminary designs and detailed cost-effectiveness assessment, and other requirements set forth in Section 35.917-1 of the Title II regulations.

WQM Planning under Section 208

WQM planning sets forth a comprehensive management program for collection and treatment of wastes and controlling pollution from all point and non-point sources. Control measures for abating pollution from these sources utilize a combination of traditional structural measures together with land-use or land management practices and regulatory programs. These measures are implemented by a management agency or agencies designated in the plan. An initial WQM plan is developed over a prescribed planning period and, thereafter, updated and approved annually.

POLICY: RELATIONSHIP BETWEEN 201 FACILITY PLANNING AND WQM PLANNING

I. THE RELATIONSHIPS BETWEEN 201 AND WQM PLANNING IN THE SAME GEOGRAPHIC AREA DURING THE PERIOD BEFORE FINAL EPA APPROVAL OF A WQM PLAN ARE AS FOLLOWS:

A. 201 Planning

All 201 plans underway and on current or subsequent approved priority lists should proceed expeditiously through to completion, State certification and approval by EPA. The scope of 201 planning approved before the final WQM work plan is approved by EPA should be at a level necessary to complete all required elements of the facility plan. The scope of 201 planning approved after the final WQM work plan is approved by EPA should be at a level necessary to supplement work assigned to and within the capability of the responsible WQM planning agency to accomplish expeditiously so that a complete facility plan can be provided with minimal delay.

The WQM planning agency's review of ongoing facility plans will generally be handled in accordance with procedures for the A-95 review process.

B. Minimum Requirements for Facility Planning by WQM Planning Agencies

During the initial planning period, WQM planning agencies must produce the interim outputs specified in Program Guidance Memorandum AM-2; generally, for designated areawide agencies, these interim outputs will be completed within 9 months of the date upon which the planning process becomes operational as selected by the Regional Administrator. States conducting the planning in non-designated areas may elect to place a lower priority on facilities planning outputs, and, with the approval of the Regional Administrator, may provide alternative schedules to satisfy this interim output requirement.

For those municipal facilities within the WQM planning area expected to receive a construction grant award during the five years following initial WQM plan approval, the initial WQM plan will include the facility planning information listed below. In most cases, 201-funded facilities planning is either ongoing or scheduled in the near term to support facilities construction over the next several years. Thus, WQM planning agencies are expected during this period to utilize and incorporate (not duplicate) the 201-funded planning information, supplementing the 201-funded or programmed activities whenever deemed necessary by the Regional Administrator.

Minimum requirements for facility planning to be summarized in initial WQM plans for any facilities expected to receive a construction grant award during the five years following initial WQM plan approval:

1. Selection of service areas

2. Preliminary estimate of municipal wastewater flows to be generated during a 20 year planning period based on economic and population projections for the WQM planning area.

3. Preliminary identification and comparison of the cost of alternative treatment systems needed to handle projected municipal wastewater flows, and to meet the requirements of BPWTT or any more stringent discharge limitation necessitated under the Act. Cost estimates may be based on streamlined cost-estimating systems such as those prepared by Bechtel, Black and Veatch, and ICARUS.

4. Preliminary comparison of the cost of alternative general configurations for needed wastewater collection at the trunk line level.

5. Overall summary of environmental impacts of alternative treatment and wastewater collection configurations.

6. Preliminary determinations, based on the above analysis, of which municipal treatment systems and conveyance configurations are likely to be most cost-effective.

7. Estimate of the land area required and possible financial arrangements which could be utilized to construct these facilities.

The terms "preliminary", "summary" and "estimate" in this description are used to emphasize that the WQM plan will satisfy these requirements by brief, general analysis and conclusions which are much shorter and less detailed than those in a facility plan. As such, these conclusions may be modified as a result of 201-funded facility planning conducted in accordance with policies and procedures described in Section II (see p. 5).

WQM planning agencies are also required to meet statutory requirements which are normally not considered a part of the facility planning process but which, after approval of the WQM plan, will affect facility planning. Such requirements include establishment of priorities and time schedules for completion of treatment works, estimation of municipal waste treatment system needs, identification of agencies necessary to construct, operate and maintain treatment works, and establishment of a regulatory program that can affect facilities in the area (example - stormwater or pretreatment controls).

C. Detailed Facility Planning in WQM planning Work Plans

New WQM planning work plans shall not be approved by the Regional Administrator when they provide for detailed facility planning beyond the minimum requirements in section B, above. This detailed facility planning shall be handled by existing and subsequent 201 facility planning grants.

Existing approved work plans for FY 74 and 75 designated 208 areawide agencies which provide for facility planning beyond the minimum requirements should be amended to eliminate such detailed planning, except where designated WQM planning agencies have already contracted to conduct detailed facility planning and the contractor has started the work and is too far along for the contract to be revised or terminated as determined by the Regional Administrator. If work plans are revised to eliminate detailed facility planning, Section 201 planning grants should be quickly provided in these areas in accordance with paragraph A above.

D. Interim 208 Outputs

After interim outputs (AM-2) are approved by the State and EPA for a WQM planning area, the relationship between 201 and WQM planning in that area will be the same as described above except that planning under any 201 grant awarded after the approval of the interim outputs must be consistent with these interim WQM outputs. The scope and funding of new 201 planning should not extend to developing a justification for the interim outputs, as this will have been produced by the WQM planning process.

E. Coordination Between Concurrent 201 and WQM Planning

All WQM planning must be coordinated with facility planning and other construction grant activity so that the final WQM plan will facilitate needed construction in the area. Each State, working with the Regional office must assure that effective coordination between concurrent 201 and WQM planning does occur, and that relationships between the two planning efforts are consistent with this policy statement. The procedures for securing agreement on relationships and responsibilities between concurrent 201 and WQM planning efforts are at the discretion of the State. Conflicts in approaches between concurrent 201 and WQM planning should be resolved between the 201 and WQM planning agencies and concerned State and local officials.

F. Transition to New WQM Requirements Affecting Facility Planning

Any WQM plan which proposes a significant change in either management or approach affecting construction grant awards must allow adequate time and establish detailed procedures for transition to the new approach or management once the WQM plan is approved by EPA.

II. THE FOLLOWING SPECIFIES THE RELATIONSHIPS BETWEEN 201 AND WQM PLANNING AFTER THE WQM PLAN HAS BEEN COMPLETED, AND THE MANAGEMENT AGENCY OR AGENCIES IDENTIFIED BY THE PLAN ARE APPROVED BY THE STATE AND EPA.

A. Facility Plans Underway

All facility plans underway at the time of approval will be completed by the agency which received the Step 1 grant. The planning effort will continue expeditiously through to State certification and EPA approval unless the approved WQM plan clearly justifies a change in required treatment levels or alternative approach on the basis of substantially lower costs or major changes in projected environmental impacts.

B. New Facility Plans: Role of Designated Management Agency(s)

New grants for 201 plans will be made to the management agency(s) designated in the approved WQM plan. New facility planning will be consistent with the approved WQM plan.

The scope and funding of new facility planning starts should be sufficient to supplement the data and analysis in the WQM plan to the extent necessary to provide a complete facility plan as required by Section 35.917 of the Title II regulations.

Where future 201 planning results in recommended projects not in general conformance with the recommendations of an approved WQM plan, review of the proposed change must be made by the designated agency responsible for operating the continuing WQM planning process. If the proposed change is accepted by the WQM planning agency, the WQM plan is to be revised. (Revisions will then proceed through the normal State certification and EPA approval process.) If the proposed change is unacceptable, the approved WQM plan is controlling.

Review of WQM Plans

Regional municipal construction grants personnel should review sections of the work plans for WQM planning and draft WQM plans focusing on facility planning elements to assure coordination between WQM planning and the municipal facilities grant program consistent with this guidance. State construction grants personnel should be encouraged to do the same.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 2 1976

PROGRAM REQUIREMENTS MEMORANDUM PRM NO. 75-39
Program Guidance Memorandum PG-67

SUBJECT: Eligibility of Land Acquisition Costs for the Ultimate Disposal of Residues from Wastewater Treatment Processes

FROM: John T. Rhett, Deputy Assistant Administrator for Water Program Operations (WH-546) John T Rhett

TO: Regional Administrators

ATTN: Water Division Directors

I. PURPOSE

This memorandum provides guidance on the interpretation of Section 35.940.3 of the construction grant regulations (40 CFR Part 35) relative to the eligibility of the cost of land required for the ultimate disposal of residues resulting from wastewater treatment.

II. BACKGROUND

Program Guidance Memorandum No. 49 covers the eligibility of land acquisition costs for land treatment processes and refers to the future distribution of this guidance on the eligibility of land costs for ultimate disposal of residues.

III. POLICY

A. Allowable Costs

The cost of purchasing land for ultimate disposal of residues from wastewater treatment is allowable for Federal grant assistance. Ultimate disposal of residual wastes from wastewater treatment includes disposal of sludges, ashes, grit or other residues by means of depositing such materials in land fill sites.

Proposals to acquire land for spreading sludge may be approved if the grantee demonstrates to the satisfaction of the Regional Administrator that the primary purpose of the acquisition is disposal of such residues, and disposal by other means set out in B.2.b. of this guidance is less cost-effective or not available.

Any land areas to be purchased for land spreading, except for buffer zones, must be fully utilized for that purpose. Land requirements for the spreading of sludge shall be kept to an absolute minimum determined on the basis of the maximum sludge application rate commensurate with ensuring that ground and surface waters are protected and, in addition for agricultural lands, that cropland resources are protected and harmful contaminants are not accumulated in the human food chain. Land acquisition costs for land areas with application rates below 10 dry tons per acre per year will, in general, not be allowable, although the Regional Administrator may grant a variance for a larger land area (with a lower sludge application rate) on a case-by-case basis where more cost-effective.

The cost of land required for land fill or land spreading, irregularities in spray patterns, reasonable buffering, dikes and drainage ditches for surface runoff control, groundwater protection measures, and similar uses is allowable.

Where a purpose of a project is to improve or reclaim land as well as to dispose of residual wastes, costs may be eligible for an amount not to exceed the cost of the most cost-effective single purpose method of disposal of the residual wastes as determined in accordance with this guidance.

Where land is to be used for disposal of both residues from municipal wastewater treatment and other wastes, only the land cost properly allocable to disposal of municipal wastewater treatment residues is allowable. One example of such cost allocation would be division of costs between municipal waste treatment residues and other municipal solid wastes based on their relative dry weight proportions. If the dry weight of the treatment residues handled at the joint disposal site is less than twenty-five (25) percent of the dry weight of all the wastes to be disposed of in the land fill, no land acquisition costs for treatment residues will be allowed.

While not exclusive, the cost of land for the following uses is not allowable except where such land is also necessary for eligible residual waste management uses as listed above.

1. Sites for placement of buildings, equipment, facilities and sludge conveyance measures including pipelines, and access roads.

2. Sludge storage basins or other temporary storage facilities, sludge drying beds, waste stabilization ponds and evaporation ponds.

The cost of leasing land or of obtaining use of land under contract for residue disposal or utilization is not allowable.

B. Cost Effectiveness Analysis

1. Factors to be Considered

The facility plan for the overall waste treatment system must include a cost-effectiveness analysis of residual waste management alternatives. The choice of a residual waste management method is to be based on comparison of overall waste treatment system alternatives recognizing the close interrelationships between those facilities comprising the residual waste management subsystem and the remainder of the overall waste treatment system.

The residual waste management subsystem includes the facilities, management practices and lands required ultimately to assimilate residual wastes into land or air media, beginning with the grit, raw sludges and other residues obtained directly from wastewater treatment processes. To aid in screening residual waste management subsystems, the costs and non-monetary factors for such subsystems may be compared on a preliminary basis for each wastewater treatment process option. Alternatives which seem feasible on the basis of the preliminary comparison should be analyzed in detail.

The cost-effectiveness analysis of residual waste management options is to include consideration of the following factors, with the amount and level of detail commensurate with local conditions, the number of feasible options available, and the complexity, size and nature of the proposed waste treatment system:

a. Relations of wastewater treatment process option to volume and characteristics of sludges and residues produced.

b. Conditioning, stabilization or pre-application treatment for the disposal or utilization option.

c. Alternatives for landfill or land spreading site location and for conveyance to sites.

d. Sludge storage requirements.

e. Market for free haul or sale of processed sludge and expected net revenues from sales.

f. Option of contract payments for hauling and disposal of processed sludge.

g. Land fill management procedures.

h. Land application method and rates and resultant area required as determined by soils, climate and other site characteristics.

i. Options for obtaining necessary land management rights.

j. Necessary provisions for and costs of relocating persons, households and businesses.

k. Net revenues from sale of crops, forest products and livestock produced by land acquired for sludge application.

l. Environmental effects including impacts on air and water quality and aesthetics.

m. Odor control measures necessary for land fill or land spreading site.

n. Groundwater protection measures.

o. Surface runoff control measures.

p. Other public health measures.

q. Energy requirements and potential recovery facilities.

2. Special Considerations for Land Management Options

a. Arrangements for land management must be made to assure operation over at least a 10 year period, but ordinarily not more than 20 years, to protect investments in facilities and equipment for disposal or utilization of residual wastes.

b. The following alternatives must be considered prior to recommending outright purchase of land for land spreading of sludge or other residues:

- Sale or free haul of processed sludge or residues for use by others.
- Contractual payment for hauling processed sludge or residues for use by others.
- Contract with landowners for rights to develop land spreading site and to apply sludges, preferably with either or both tasks to be performed by owners.
- Leasing of land spreading site, preferably providing for site development or operations by owners.
- Land fill

c. The cost-effectiveness analysis should give special attention to the alternatives of sale, free-haul or contractual payment to haul which result in beneficial uses of sludge. These alternatives help achieve the wastewater treatment objectives without requiring the treatment authority to undertake a major program of land acquisition, management and utilization.

C. Land Acquisition Requirements

Grant award or written EPA approval shall be obtained prior to any acquisition of land for residual waste management in order that such costs will be allowable. The procedures for the independent appraisal and acquisition of land contained in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (P.L. 91-646) 42 USC Section 4651 et. sq. shall be followed. The EPA Regulation implementing this statutory requirement is contained in Subpart F of Part 4 of Title 40 of the CFR, Section 4.60000 et. seq.

The grantee shall certify to the Regional Administrator that it will comply with 40 CFR Section 30.810 and specifically Section 30.810 and Section 30.810-5. The certification will be reflected as an encumbrance in the title of the land. The grantee shall obtain fee simple title to all land acquired with grant assistance, with no encumbrances other than the one protecting the Federal interest.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

PROGRAM REQUIREMENTS MEMORANDUM PRM NO. 75-40
Program Guidance Memorandum PG-68

MAY 7 1976

MEMORANDUM

SUBJECT: Priority List Supplement to FY 1977 Construction Grants Guidance.

FROM: John T. Rhett, Deputy Assistant Administrator for Water Program Operations (WH-546) John T Rhett

Richard D. Redenius, Deputy Assistant Administrator for Resources Management (PM-224) Richard Redenius

TO: All Regional Administrators
Regions I through X

Enclosed with this memorandum are detailed, step-by-step procedures to supplement the more general priority list instruction contained in the FY 1977 Construction Grants Operating Guidance. These detailed procedures outline a systematic approach for Regional Office review and analysis of the expanded State Priority Lists through use of both manual and automated techniques. In addition, a series of output reports to facilitate this analysis have been programmed and will be available for Regional use.

The priority list, more than any other single document, is the foundation for effective and coordinated planning and management in the construction grants program. Without a complete, accurate, and timely project list, with easy access for data analysis and update, sound program management is not possible. The guidance prescribes a series of priority list requirements that require careful and time-consuming Regional Office review and analysis. Step-by-step procedures, standardized across all Regions, lessen this burden on the Regions and ensure that the final priority lists meet all program management requirements.

The enclosed procedures stress two points that are absolutely essential to improving EPA management in the construction grant program. The first, mentioned above, is the establishment of high quality, multiyear priority lists. Our construction grants program cannot operate effectively without them. The second point is the need to utilize the computer to the greatest extent feasible for day-to-day management and analysis. The link between automatic data processing and management activity in a program as complex and large as ours is fundamental. An expanded GICS system, of which the enclosed procedures are one part, provides this management-system interface.

The achievement of sound program management in the construction grants program is the top Agency Water priority in FY 1977. Attainment of high quality and up-to-date project priority lists, available for Regional analyses from an automated information system, will go a long way toward achieving that important objective.

Questions on this process should be directed to either Michael Quigley, Chief, Program Planning and Evaluation Branch (426-8990) or Paul Wagner, Chief, Grants Information Branch (755-2513).

Attachment

PROJECT PRIORITY LIST PRE-PROCESSING
AND KEYPUNCH GUIDANCE

PRE-PROCESSING INSTRUCTIONS

1. Check the forms to insure conformance with the format shown on the enclosed SAMPLE priority list form. Each line of the list must be a separate step (Step 1 on one line, Step 2 on another line, etc.).

2. Write and encircle the following GICS transaction numbers at the top of each column of each page, as shown on the SAMPLE form:

GICS Transaction No. Encircled on Form	Column Name on Form	GICS Data Element Name
12	Applicant Legal Name	Applicant Name (refer to page 133 of GICS User's Manual for standard conventions)
51	Street	
14	City	
52	Zip	
15	County	
59	Priority Number	State Project Priority List Number
60	NPDES Number	EPA Facility Identification Number
01	Grant Ident. Number	Grant Identification Number
87	Type of Project	Project Step Code
A5	Target Date	Application Target Date
20	Project Description	Project Description
19	Estimated EPA Assistance	Grant Amount Requested of EPA

3. These instructions assume the FY 76 Priority List was deleted before the entry of this proposed FY 77 List. (Note: Be sure you list the FY 76 Priority List for a State using a job similar to the one found on page 104 of the GICS Manual before you delete any of the FY 76 records.

KEYPUNCH INSTRUCTIONS

Each row on the document will be the source of several keypunched cards. Each of these cards will have the same general format. The blocks of information to be keypunched are marked by encircled numbers (a transaction number). There will be several cards punched from each row on the form. If no information is given for a particular transaction, punch a card with that transaction number and no information.

The keypunch row on the format consists of fixed and variable fields. Columns 1/19 are the same on each of the cards.

The format is: RR,GGGGGG,N,99,0,A,EE,D...D

WHERE:

Col 1/2	RR	Your region number is typed on every card.
Col 3	,	A comma constant typed on every card.
Col 4/9	GGGGGG	A six-digit number that is typed on every card. The first two digits (numeric only) are found in the upper left portion of the form (STATE_______) and remain the same for the entire form. The next four digits are found in the fifth column (01) ; type the first four digits of the number found in column (01) .
Col 10		A comma constant typed on every card.
Col 11	N or C	A letter N for New, or C for Continuation (subsequent related project) typed on every card. Reference the last two digits found in column (01) -- if '01', type N; other than '01', type C unless'01' has previously appeared on a Priority List and then withdrawn.
Col 12	,	A comma constant typed on every card.
Col 13/14	99	A two-digit number (Sequence Number) typed on every card. This number is found in column (01) . Use the last two digits of Grant Ident. Number found in column (01) .
Col 15	,	A comma constant typed on every card.
Col 16	0	A number zero (Amendment Number) is typed on every card.

Col 17	,	A comma constant typed on every card.
Col 18	A	A letter A constant typed on every card.
Col 19	,	A comma constant typed on every card.
Col 20/21	EE	A two-digit transaction number that changes on each card. This transaction number is encircled at the top of each column of information to be keypunched.
Col 22	,	A comma constant typed on every card.
Col 23	D...D	This is the general information to be keypunched from each block in a column.

There are several transactions to be typed from each row on the form in positions 23/80:

NAME	TRANSACTION	INSTRUCTION
Applicant Data	12, 51, 14, 52 and 15	This data will generally be the address of a city or town. EXAMPLE: City of Milwaukee--type as Milwaukee, City of 05,170388,N,01,0,A,12, Milwaukee, City of
NPDES Number (EPA Facility Identification Number)	60	Keypunch this number as shown on the form. EXAMPLE: 05,170388,N,01,0,A,60, IL0021380
Grant Identification Number	01	Keypunch nine numerical digits. Do not keypunch dashes. EXAMPLE: 0388-01 would be punched as 170388010 in positions 23/31. The 17 would be found in the upper left of the form after State. A zero is always punched in position 31 for this transaction. 05,170388,N,01,0,A,01,170388010
Type of Project (Project Step Code)	87	Keypunch one numerical digit. EXAMPLE: 1 would be punched as 1 in position 23. 05,170388,N,01,0,A,87,1

Application Target Date	A5	EXAMPLE: 7705 keypunch as 770531 in positions 762/767 05,170388,N,01,0,A,A5,770531
Project Description	20	Keypunch the alpha numeric digits in positions 23 to 72. Truncate descriptions at position 72, if necessary.
Estimated EPA Assistance (Grant Amount Requested of EPA)	19	Keypunch the numerical digits only, starting in position 23. Do not keypunch commas. Do not enter cent amounts if any are shown on the form. EXAMPLE: 05,170388, N,01,0,A,19, 900100
Grant Type	04	Keypunch the letter N or C in position 23. This transaction is typed for each set of transactions on the form--one for each line on the form. Reference the last two digits found in column 01 - if '01', type N; if other than'01', type C unless '01' has previously appeared on a Priority List and then withdrawn. The letter punched here will always be the same as the letter punched in position 11. EXAMPLE: 05,170388,N,01,0,A,04,N
Priority Number (Priority List Number)	59	Keypunch the handwritten numbers to the left of the Applicant Name block. This is a four digit field. The number should be entered as a three digit number with leading zeroes in the first three positions of the field (positions 23/25). Zero fill the fourth digit (position 26). EXAMPLE: 1 would be punched as 0010 10 would be punched as 0100 100 would be punched as 1000 05,170388,N,01,0,A,59,0100

Action Step	23	Keypunch a PF for those projects on the fundable portion of the proposed list. Keypunch a PN on those projects on the extended portion of the proposed list. After the list is approved the PF is changed to XF.
Action Date	24	Keypunch the received date of the proposed list. If desired when the list is approved change this date to the list approval date.
Priority FY	57	Keypunch 77 the year of this proposed list.
Other Required Transactions	02 04 05 06 13 17	Remember to type these required transactions as explained on page 22 of the GICS Manual. They are required by the system to create a record.

ATTACHMENT 2 (a) STATE TX 48
Name (number)

CONSTRUCTION GRANTS PROJECT LIST
(List individual Projects* in Priority Rank Order)

(59) PRIORITY Ranking	PRIORITY 1/ POINTS	(12) (51) (14) (52) (15) APPLICANT LEGAL NAME 2/ STREET ADDRESS CITY, ZIP CODE COUNTY	(60) NPDES NUMBER	(01) GRANT IDENT. Number Facility Need & Sequence	(87) TYPE of Project (Step No.)*	(A5) APPLICATION TARGET DATE (Yr. & Mo.)	(20) PROJECT DESCRIPTION 4/ (Facility Need Scope)	(19) ESTIMATED EPA Assistance ($)

*Each Step and/or segment of a Step constitutes a separate project and is to be listed individually. (Legal size copies of this format will be supplied separat
(SEE ATTACHMENT 2 (b) FOR EXPLANATION OF COLUMNS WITH FOOTNOTES.)

Priority List Procedures

Introduction: The procedures that follow outline an interim step-by-step process for evaluating State priority list submissions within the time constraints established in the FY 1977 Construction Grants Program Guidance. They require entry of the new priority list into GICS prior to its approval to facilitate detailed manual and computer analysis of the list as soon after initial receipt as possible. The analyses are for program management purposes only and do not set out the steps necessary to comply with regulatory requirements regarding priority criteria, public participation, and state program planning.

If followed, the procedures will ensure that the priority lists are properly entered into GICS, are systematically evaluated, and are updated as necessary through the GICS process. Sections include a checklist for preprocessing of the priority list to ensure that all basic requirements are included (Part I B), a computer data entry process for the tentative priority list (Part I C and Attachment I), a series of suggested output reports to facilitate Regional analysis and evaluation of the priority list (Part I D), and a feedback document and process to the State to facilitate priority list improvement (Part I E). The computer programs required to enter the priority list into GICS and generate the suggested output reports will be available for Regional use by June 1.

It is suggested that each Region assign one individual to coordinate the priority list review and analysis. Contact between headquarters and the Regions should be through this individual.

The Program Planning and Evaluation Branch of the Municipal Construction Division will be monitoring the progress of the priority list approval procedures and will assist Regional Offices as necessary. Please note that these procedures are applicable to this year only. Long term procedures will be developed and promulgated during the next year. Contact Michael Quigley at 426-8990 if there are questions on this process.

I. Priority List Review Procedure--May through August.

   A. Time Constraints In Guidance.

      1. May 1, 1976--Initial submission due to Regional Office
      2. July 15, 1976--Final priority list due to Regional Office.
      3. August 15, 1976--EPA approval of priority list.

   B. Pre-processing review of list--Manual review after initial receipt of list. (Visual checks, elementary analysis prior to computer entry).

      1. List in required format (per guidance)?
      2. Projects listed in priority order by Step - one Step per line?
      3. Are all data elements included? Are they correctly displayed?
         a. Applicant name
         b. Project number (including sequence number)
         c. Project step
         d. Project description
         e. Amount requested
         f. Priority ranking
         g. Application target date
         h. NPDES number
         i. Priority points (optional)
         j. Applicant address (optional)

4. Does list clearly distinguish between fundable project list and extended list? The fundable list includes enough projects to fully utilize available funding and is subject to the public participation requirements. The extended list includes, at a minimum, all subsequent steps of previously funded or active projects. (See guidance for detailed definition.)

5. Are all projects, including those on the existing list, on the proposed new list? The suggested procedure would be to compare the current list (from GICS or hard copy) against the proposed list by grant number. All projects should be listed out on separate sheets that (a) are on current list but not on proposed list, (b) are on both lists but with changes in some elements and (c) are on proposed list but not on current list. Any project omissions on new list should be checked. (The new list must include all projects on the priority list.)

6. Regarding fundable list:
    a. Are reserves clearly and explicitly identified? Are they within the regulatory requirements? Are they reasonable?
    b. Are projects with target dates within next six months identified by month? Are all other project target dates identified by the last month of the quarter?

7. Regarding extended project list:
    a. Are extended list projects in priority order and displayed on one line per step?
    b. Does list appear to run through FY 1979?

c. Is there any general indication that the State did not comply with the multiyear criteria outlined in the guidance?

8. The Region should evaluate the severity of priority list deficiencies based on the visual checks outlined above and any others that the Region deems necessary. Any serious omissions -- e.g. incorrect grant nos., missing data elements, no extended priority list -- and/or variations from the guidance should be corrected through contact with the State before proceeding to the next step. In no case should pre-processing deficiencies be uncorrected past June 1 in order to adhere to schedule constraints in the guidance.

C. Computer data entry (This section will be coordinated by the Grants Administration Division at Headquarters.)

1. List, in priority sequence, from current GICS file all projects on the currently approved list. This list should be used to manually compare the currently approved list with the proposed FY 1977 list to ensure no projects are inadvertently deleted. In addition, the list provides a record of remaining approved FY 1976 projects at the point the old list is overlayed in the file. (See analysis D.1 for suggested output report.)

2. Prepare priority list format for direct data entry (See attached "Project Priority List Pre-processing & Keypunch Guidance" developed by the Grants Administration Division).

3. Delete all priority list projects from current GICS file i.e. no "X", "EX", "WX" projects should be left on file.)

4. Enter interim priority list (extended and fundable portions) into GICS file utilizing routine update run.

(Note (a): From this Step until the priority list is approved on August 15, there will be no approved priority list in GICS. The interim list will be coded "PF" and "PE" (for fundable and extended list, respectively) and be labelled the FY 1977 list. Any projects funded between May 1 and August 15 that are on the interim priority list should be replaced by the new application or award data.

D. Analysis of proposed State Priority List--Computer Testing

For each analysis below, an application program has been written and will be provided to each Region by the Headquarters Municipal Construction Division. A format of the five programs will be provided to each Regional priority list coordinator as soon as they are available.

1. Priority List Report. (Format: All proposed priority list projects in priority ranking sequence. Duplicates the priority list format included in FY 1977 guidance.) This list is the basic working document to manually verify that the list agrees with State submission; to highlight data element omissions; to check for incorrect or incomplete data items; and other audit checks on the data entry run.

2. Priority List Output Commitment Report. (Format: All proposed priority list projects in sequence by application target date, step, and grant number. Number and dollar value of Step 1, 2, 3 for all projects summed for every target date.) This list

will display the application receipt schedule through the extended list dates. It can be used as the basis for creating and verifying the construction grants output commitments for number and dollar value of awards. Note: A worksheet to aid the Region in projecting target award dates from application dates and inserting the designated reserves into the quarterly totals will be provided with the output formats.

3. Step 1, 2, 3 Project Detail Report. (Format: All proposed priority list projects, applications, and funded Step 1 and 2 projects grouped together by grant number. Data elements include action step, project step, award or application date, projected completion date, percent complete, and amount.) This list will display the funded and planned project mix for every grant and flag the following error conditions as applicable:

    a. Target certification dates for priority list projects that preceed or follow by more than six months the projected completion dates of prior steps of the same grant.

    b. Target certification dates for priority list projects that are less than six months or more than eighteen months from the application or award date of preceeding step of same grant.

    c. Grants that are not planned to Step 3 stage.

    d. Priority list projects that do not have a previously awarded or planned earlier step.

4. Step 1, 2, 3 Project Summary Report. (Format: A summary report of project mix, indicating number of "new" or "continuation" projects on priority list, unplanned "continuation" awards from (already funded) existing grants, etc. Displayed by number and dollar totals by year of planned award and by age of grants not planned to Step 3). This summary report will give an overall indication of the mix of projects on the priority list compared to the active project mix in data base. Unless priority criteria have changed, it should be assumed that grants awarded earlier have priority over new grants.

5. PMS/GICS Linkup Report. (Format: All large grants by step from latest program management submission data base compared to GICS information for same grant. Data elements include grant amount and action step displayed by quarter through FY 1978.) This report is intended to facilitate Regional management of large grants over $10 million eligible cost. The report will check for completeness of proposed priority list regarding known large projects, for new grants on priority list not in GICS, and for differences in award dates and amounts. Note: This report is currently being utilized in headquarters and is available to the Regions.

6. The results of the analysis above should indicate whether serious problems exist in the content of the priority list submission. The Region should prepare summary questions for review with the State Offices (See Part E below).

E. Feedback to State--Prior to Regional Approval of Initial List

1. An output listing of the State proposed priority list will be generated on multipart paper. All problems and questions on a project-by-project basis that resulted from the computer analysis should be noted on this report. The format of this report will be supplied by the Headquarters Municipal Construction Division.
2. A copy of the output report with written comments should be returned to State indicating major concerns and asking for clarification of all discrepancies. Allow approximately two week turnaround for response on initial cycle.
3. State should enter necessary changes directly on the report and return to Region. Region should maintain close contact with State either through telephone or personal visits.
4. All changes accepted by the Region should be coded and entered into normal GICS update cycle. All deletions and additions of data elements or projects should be inserted in this way. If the magnitude of the change requires massive revision of the proposed priority list in GICS, it may be necessary to repeat Section C on initial data entry.
5. Region should repeat review process (i.e. repeat Section B & D) as appropriate.
6. Repeat above procedures until list is correct.

F. Approve priority list--August 15.

1. The final listing after all corrections have been made should be the approvable list. The list should be transmitted to Regional Administrator for approval. (The fundable list is subject to formal approval; the extended list should receive

2. Once approved, the action step on each priority list fundable project must be changed from "PF" to "XF". This change will denote approval in the GICS system.

3. The approved list in GICS is the official list and should be promulgated through the GICS system.

4. A copy of the list, with RA approval noted, should be kept on file in the Regional Office for ready reference at all times.

II. Quarterly Priority List Update Procedure--Oct. 31, Jan. 31, April 30.

A. Send copy of Priority List printout to State on September 30, December 31, and March 30.

B. State makes changes as necessary and returns list.

C. Region performs analysis outlined in Part I, as appropriate.

D. Region approves changes, enters into GICS, and promulgates new list (by Oct. 31, Jan. 31, and April 30).

III. More Frequent State Update

A State Office, at its discretion, can submit new priority list information at any time between the quarterly updates. The Region should use the procedures outlined in Part I, as appropriate, to evaluate and enter changes. If required, a monthly, rather than quarterly, update procedure may be established. Changes made between monthly or quarterly updates may be entered into GICS immediately or batched for periodic update runs. The latest priority list printout will be used as work sheet between update runs.

* U.S. Government Printing Office: 1976-679-866/494 Region 8